

2000 No. 125

HOUSING; RATES; SOCIAL SECURITY

**The Income-Related Benefits and Jobseeker's Allowance
(Amendment) Regulations (Northern Ireland) 2000**

Made 6th April 2000

Coming into operation 2nd May 2000

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 131(1) and (2), 133(2) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Articles 2(2), 6(5) and (12) and 36(2) of, and paragraph 11 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995(b) and now vested in it(c), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(d) in so far as regulation 4 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-Related Benefits and Jobseeker's Allowance (Amendment) Regulations (Northern Ireland) 2000 and shall come into operation on 2nd May 2000.

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

Amendment of the Income Support (General) Regulations

2. In regulation 21(3) of the Income Support (General) Regulations (Northern Ireland) 1987(g) (special cases) in the definition of "person from abroad" after paragraph (b) omit "or" and after paragraph (c) there shall be added the following—

(a) 1992 c. 7
(b) S.I. 1995/2705 (N.I. 15)
(c) See Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(d) 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)); consent function transferred from the Department of the Environment to the Department of Finance and Personnel; see Article 6(b) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992
(f) 1954 c. 33 (N.I.)
(g) S.R. 1987 No. 459: definition of "person from abroad" was inserted by regulation 2(1) of S.R. 1994 No. 266 and amended by regulation 5(6)(b) of S.R. 1996 No. 405, regulation 11(3) of S.R. 1998 No. 81 and regulation 5(4)(b) of S.R. 2000 No. 71

“or

- (d) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act(a) and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;”.

Amendment of the Jobseeker’s Allowance Regulations

3. In regulation 85(4) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(b) (special cases) in the definition of “person from abroad” after paragraph (b) omit “or” and after paragraph (c) there shall be added the following—

“or

- (d) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;”.

Amendment of the Housing Benefit (General) Regulations

4. In regulation 7A(4) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(c) (persons from abroad) at the end of sub-paragraph (e) there shall be added the following—

“or

- (vii) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;”.

(a) 1999 c. 33
(b) S.R. 1996 No. 198; definition of “person from abroad” was amended by regulation 8(1)(b) of S.R. 1996 No. 356, regulation 11(3) of S.R. 1998 No. 81 and regulation 10(3)(b) of S.R. 2000 No. 71
(c) S.R. 1987 No. 461; regulation 7A was inserted by regulation 2(1) of S.R. 1994 No. 80 and paragraph (4)(e) was added by regulation 3(1)(a) of S.R. 1994 No. 266 and amended by regulation 4(3)(b) of S.R. 1996 No. 405, regulation 2(b) of S.R. 1996 No. 448, regulation 11(3) and (4)(a) of S.R. 1998 No. 81 and regulation 6(3)(a) of S.R. 2000 No. 71

Sealed with the Official Seal of the Department for Social Development
on 6th April 2000.

(L.S.)

John O'Neill
Senior Officer of the
Department for Social
Development

The Department of Finance and Personnel hereby consents to regulation
4 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel
on 7th April 2000.

(L.S.)

V. N. Hewitt
Senior Officer of the
Department of Finance
and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

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

In particular, these Regulations amend the definition of "person from abroad" in each of the above Regulations. They extend the categories of persons who are excluded from being treated as not habitually resident in the United Kingdom to cover persons who have been deported, expelled or otherwise removed by compulsion of law from another country to the United Kingdom.

In so far as these Regulations are required, for the purpose of regulation 4, 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.

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