

2000 No. 366

**HOUSING; RATES; SOCIAL SECURITY**

**The Social Security (Capital Limits and Earnings Disregards  
Amendment) Regulations (Northern Ireland) 2000**

*Made . . . . . 20th November 2000*

*Coming into operation in accordance with regulation 1(1)*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 130(1), 132(2) and (4)(b) and (d), and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Articles 14(4)(b) and (d), 15(1) and (3) and 36(2) of 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 regulations 2(3), 3 and 4 of, and paragraph 1 of the Schedule to, these Regulations, are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations and paragraph 1 of the Schedule, 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 Social Security (Capital Limits and Earnings Disregards Amendment) Regulations (Northern Ireland) 2000 and shall come into operation—

- (a) for the purposes of this regulation on 1st April 2001;
- (b) for the purposes of regulation 2(3) and for the purposes of regulation 3 and 4 and paragraph 1 of the Schedule (in so far as those regulations and that paragraph relate to housing benefit)—
  - (i) in a case where rent or rates are payable at intervals of a whole number of weeks, on 2nd April 2001, and
  - (ii) in any other case, on 1st April 2001;
- (c) for all other purposes, on 9th April 2001.

(2) Regulation 2(1) shall, in relation to any particular claimant for income support, have effect from the first day of the first benefit week to commence for that claimant on or after the 9th April 2001 and in this paragraph “benefit

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- (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 for Northern Ireland 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

week”(a) and “claimant” shall have the same meanings as in regulation 2(1) of the Income Support Regulations.

(3) Regulation 2(2) shall, in relation to any particular claimant for a jobseeker’s allowance, have effect from the first day of the first benefit week to commence for that claimant on or after 9th April 2001 and in this paragraph “benefit week”(b) shall have the same meaning as in regulation 1(2) of the Jobseeker’s Allowance Regulations.

(4) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(c);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(d);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(e).

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

### *Capital Limits*

2.—(1) In the Income Support Regulations—

(a) in regulation 41(1)(g) (capital treated as income), after “£8,000” there shall be inserted “or, in a case where regulation 45(aa)(h) (capital limit) applies, £12,000”;

(b) in regulation 45(i) (capital limit)—

(i) in paragraph (a) after “paragraph” there shall be inserted “(aa) or”;

(ii) after paragraph (a) there shall be inserted the following paragraph—

“(aa) where the circumstances prescribed in regulation 53(1ZA)(j) (calculation of tariff income from capital) apply in the claimant’s case, the prescribed amount is £12,000;”;

(c) in regulation 53 (calculation of tariff income from capital)—

(i) in paragraph (1)(k), after “paragraph” there shall be inserted “(1ZA) or”;

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- (a) The definition of “benefit week” was amended by regulation 2(a) of S.R. 1988 No. 318  
(b) The definition of “benefit week” was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(a) of S.R. 1996 No. 503  
(c) S.R. 1987 No. 461; relevant amending Rules are S.R. 1988 No. 424, S.R. 1989 No. 125, S.R. 1990 No. 137, S.R. 1992 No. 298, S.R. 1993 Nos. 145 and 381 and S.R. 1996 No. 93  
(d) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 318 and 431, S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 137, S.R. 1992 Nos. 147 and 298, S.R. 1993 Nos. 120 and 149, S.R. 1996 No. 93, S.R. 1998 No. 112, S.R. 1999 No. 472 (C. 36)  
(e) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 356, 358 and 503, S.R. 1997 No. 22, S.R. 1998 No. 112, S.R. 1999 No. 428 (C. 32) and S.R. 2000 No. 350  
(f) 1954 c. 33 (N.I.)  
(g) Regulation 41(1) was amended by Article 7(6) of S.R. 1999 No. 472 (C. 36)  
(h) Paragraph (aa) is inserted by regulation 2(1)(b)(ii) of these Regulations  
(i) Regulation 45 was substituted by regulation 11(1)(a) of S.R. 1996 No. 93  
(j) Paragraph (1ZA) is inserted by regulation 2(1)(c)(ii) of these Regulations  
(k) Regulation 53(1) was amended by regulation 5(2) of S.R. 1990 No. 137 and regulation 11(1)(b)(i) of S.R. 1996 No. 93

(ii) after paragraph (1) there shall be inserted the following paragraph—

“(1ZA) Where the claimant—

(a) is aged 60 or over or has a partner who is aged 60 or over;

(b) is not a person to whom the circumstances prescribed in paragraph (1B) apply, and

(c) has capital which, calculated in accordance with this Part, exceeds £6,000,

that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £12,000.”;

(iii) in both paragraph (2)(a) and (3)(b) after “(1)” there shall be inserted “, (1ZA)”.

(2) In the Jobseeker’s Allowance Regulations—

(a) in regulation 104(1)(c) (capital treated as income), after “£8,000” there shall be inserted “or, in a case where regulation 107(aa)(d) (capital limit) applies, £12,000”;

(b) in regulation 107(e) (capital limit)—

(i) in paragraph (a) after “paragraph” there shall be inserted “(aa) or”;

(ii) after paragraph (a) there shall be inserted the following paragraph—

“(aa) where the circumstances prescribed in regulation 116(1ZA)(f) (calculation of tariff income from capital) apply in the claimant’s case, the prescribed amount is £12,000.”;

(c) in regulation 116 (calculation of tariff income from capital)—

(i) in paragraph (1)(g), after “paragraph” there shall be inserted “(1ZA) or”;

(ii) after paragraph (1) there shall be inserted the following paragraph—

“(1ZA) Where the claimant—

(a) is aged 60 or over or has a partner who is aged 60 or over;

(b) is not a person to whom the circumstances prescribed in paragraph (1B) apply, and

(c) has capital which, calculated in accordance with this Part, exceeds £6,000,

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(a) Paragraph (2) was amended by regulation 11(1)(b)(iii) of S.R. 1996 No. 93

(b) Paragraph (3) was amended by regulation 12 of S.R. 1988 No. 431 and regulation 11(1)(b)(iii) of S.R. 1996 No. 93

(c) Regulation 104(1) was amended by regulation 3(2) of S.R. 1997 No. 22 and Article 9(8)(b) of S.R. 1999 No. 428 (C. 32)

(d) Paragraph (aa) is inserted by regulation 2(2)(b)(ii) of these Regulations

(e) Regulation 107 was substituted by regulation 9 of S.R. 1996 No. 356

(f) Paragraph (1ZA) is inserted by regulation 2(2)(c)(ii) of these Regulations

(g) Regulation 116(1) was amended by regulation 10(a) of S.R. 1996 No. 356

that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £12,000.”;

(iii) in both paragraphs (2)(a) and (3)(b), after “(1)” there shall be inserted “, (1ZA)”.

(3) In regulation 45 of the Housing Benefit Regulations (calculation of tariff income from capital)—

(a) in paragraph (1)(c), after “paragraph” there shall be inserted “(1ZA) or”;

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

“(1ZA) Where the claimant—

(a) is aged 60 or over or has a partner who is aged 60 or over;

(b) is not a person to whom the circumstances prescribed in paragraph (1B) apply, and

(c) has capital which, calculated in accordance with this Part, exceeds £6,000,

that capital shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £16,000.”;

(c) in both paragraphs (2)(d) and (3)(e), after “(1)” there shall be inserted “, (1ZA)”.

#### *Sums to be disregarded in the calculation of earnings*

**3.** In each of the provisions specified in the Schedule (which relate to sums to be disregarded in the calculations of earnings) but subject to regulation 4, for “£15”, wherever it appears, there shall be substituted “£20”.

#### *Saving*

**4.** Paragraph 3(4)(c) of Schedule 3 to the Housing Benefit Regulations, paragraph 4(4)(c) of Schedule 8 to the Income Support Regulations and paragraph 5(4)(c) of Schedule 5 to the Jobseeker’s Allowance Regulations shall have effect as if regulation 3 had not been made in a case where the claimant was entitled, by virtue of sub-paragraph (2) or (3) of those paragraphs as in operation immediately before the coming into operation of these Regulations, to a disregard of £15.

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- (a) Regulation 116(2) was amended by regulation 10(c) of S.R. 1996 No. 356  
(b) Regulation 116(3) was amended by regulation 10(c) of S.R. 1996 No. 356  
(c) Regulation 45(1) was amended by regulation 4(2) of S.R. 1990 No. 137 and regulation 11(2)(b)(i) of S.R. 1996 No. 93  
(d) Regulation 45(2) was amended by regulation 11(2)(b)(iii) of S.R. 1996 No. 93  
(e) Regulation 45(3) was amended by regulation 14 of S.R. 1988 No. 424 and regulation 11(2)(b)(iii) of S.R. 1996 No. 93

Sealed with the Official Seal of the Department for Social Development  
on 20th November 2000.

(L.S.)

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

The Department of Finance and Personnel hereby consents to regulations  
2(3), 3 and 4 of, and paragraph 1 of the Schedule to, the foregoing  
Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel  
on 23rd November 2000.

(L.S.)

*Brian Delaney*  
Senior Officer of the Department of  
Finance and Personnel

**Amendments to Provisions relating to Sums to Be Disregarded in the Calculation of Earnings**

1. In Schedule 3 to the Housing Benefit Regulations—
  - (a) paragraph 3(a);
  - (b) paragraph 4A(b);
  - (c) paragraph 4B(c);
  - (d) paragraph 6(d);
  - (e) paragraph 7;
  - (f) paragraph 14(e).
2. In Schedule 8 to the Income Support Regulations—
  - (a) paragraph 4(f);
  - (b) paragraph 5(g);
  - (c) paragraph 6A(h);
  - (d) paragraph 6B(i);
  - (e) paragraph 7(j);
  - (f) paragraph 8;
  - (g) paragraph 15(k).
3. In the Jobseeker's Allowance Regulations—
  - (a) regulation 163(3) (calculation of earnings) in so far as it substitutes regulation 101(4)(a) and (5)(a) and (b) (calculation of net profit for self-employed earners);
  - (b) in Schedule 5—
    - (i) paragraph 5;
    - (ii) paragraph 6(l);
    - (iii) paragraph 7;
    - (iv) paragraph 8;
    - (v) paragraph 9;

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- (a) Paragraph 3 was substituted by regulation 10 of S.R. 1989 No. 125, sub-paragraph (1) was amended by regulation 13(c) of S.R. 1993 No. 381 and sub-paragraph 4(c) was amended by regulation 11(a) of S.R. 1993 No. 145
  - (b) Paragraph 4A was inserted by regulation 11(b) of S.R. 1993 No. 145
  - (c) Paragraph 4B was inserted by regulation 11(b) of S.R. 1993 No. 145
  - (d) Paragraph 6(1) was amended by regulation 11(d) of S.R. 1993 No. 145 and paragraph 6(1)(e) was substituted by regulation 6 of S.R. 1992 No. 298
  - (e) Paragraph 14 was amended by regulation 13(e) of S.R. 1993 No. 381
  - (f) Paragraph 4 was substituted by regulation 9 of S.R. 1989 No. 139 and amended by regulation 12(a) of S.R. 1989 No. 395 and paragraph 6(14) of Schedule 2 to S.R. 1993 No. 149
  - (g) Paragraph 5 was substituted by regulation 9 of S.R. 1998 No. 112
  - (h) Paragraph 6A was inserted by regulation 4(6)(a) of S.R. 1993 No. 120
  - (i) Paragraph 6B was inserted by regulation 4(6)(a) of S.R. 1993 No. 120
  - (j) Paragraph 7 was amended by regulation 5 of S.R. 1992 No. 298 and regulation 4(6)(b) of S.R. 1993 No. 120
  - (k) Paragraph 15 was amended by paragraph 14(b) of Schedule 1 to S.R. 1989 No. 139 and regulation 12 of S.R. 1992 No. 147
  - (l) Paragraph 6 was substituted by regulation 11 of S.R. 1998 No. 112

- (vi) paragraph 10;
- (vii) paragraph 18;
- (c) in Schedule 5A(a)—
  - (i) paragraph 1;
  - (ii) paragraph 2;
  - (iii) paragraph 3;
  - (iv) paragraph 4.

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(a) Schedule 5A was inserted by regulation 2(5) and paragraph 58 of Schedule 2 to S.R. 2000 No.

(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, regulation 2(1) and (2) provides respectively that in income support and jobseeker's allowance, claimants who are aged 60 or over or who have a partner aged 60 or over and to whom the limit of £16,000 does not apply, may be entitled to those benefits whilst having up to £12,000 of capital. It also provides in respect of those benefits, as does regulation 2(3) in respect of housing benefit that tariff income shall only be taken into account for such claimants in respect of any capital they have between £6,000 and the relevant upper capital limit.

Regulation 3 of, and the Schedule to, these Regulations increase to £20 from £15 from April 2001, the amount of earnings which may be disregarded in determining entitlement to those benefits.

Regulation 4 makes a saving provision.

In so far as these Regulations are required, for the purposes of regulations 2(3), 3 and 4 of, and paragraph 1 of the Schedule to, these Regulations, 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.

These Regulations do not impose any charge on business.

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