

2001 No. 157

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Capital Disregards Amendment No. 2)
Regulations (Northern Ireland) 2001**

Made 6th April 2001

Coming into operation 16th April 2001

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 132(4)(b), 134(1)(a) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Article 14(4)(b) 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 regulation 2(b) 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 Social Security (Capital Disregards Amendment No. 2) Regulations (Northern Ireland) 2001 and shall come into operation on 16th April 2001.

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

Income support, housing benefit and jobseeker's allowance: capital disregard

2. There shall be added as—

(a) paragraph 60 of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(g) (capital to be disregarded);

(a) 1992 c. 7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
(b) S.I. 1995/2705 (N.I. 15)
(c) See Article 8(b) of 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 (c. 8)
(f) 1954 c. 33 (N.I.)
(g) S.R. 1987 No. 459; paragraph 59 was added by regulation 2(1) of S.R. 2001 No. 150

- (b) paragraph 62 of Schedule 5 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(a) (capital to be disregarded);
- (c) paragraph 53 of Schedule 7 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(b) (capital to be disregarded);

the following paragraph—

“Where an ex-gratia payment has been made by the Secretary of State to members of the families of the disappeared, but only for a period of 52 weeks from the date of receipt of that payment.”

Amendment of the Social Fund (Maternity and Funeral Expenses) Regulations

3. In regulation 7 of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(c) (deductions from an award of funeral payment)—

(a) in paragraph (1) for “paragraph (2)” there shall be substituted “paragraphs (2) and (3)”;

(b) after paragraph (2) there shall be added the following paragraph—

“(3) The amount of an ex-gratia payment made by the Secretary of State to members of the families of the disappeared shall be disregarded from any deduction made under this regulation.”

Sealed with the Official Seal of the Department for Social Development
on 6th April 2001.

(L.S.)

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

The Department of Finance and Personnel hereby consents to regulation
2(b) of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel
on 6th April 2001.

(L.S.)

Brian Delaney
Senior Officer of the Department of
Finance and Personnel

(a) S.R. 1987 No. 461; paragraph 61 was added by regulation 2(2) of S.R. 2001 No. 150
(b) S.R. 1996 No. 198; paragraph 52 was added by regulation 2(1) of S.R. 2001 No. 150
(c) S.R. 1987 No. 150; regulation 7 was amended by regulation 4 of S.R. 1994 No. 68, regulation 6 of S.R. 1996 No. 423, regulation 2(6) of S.R. 1997 No. 155 and regulation 3 of S.R. 2001 No. 150

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 Jobseeker's Allowance Regulations (Northern Ireland) 1996 and the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987.

Regulation 2 provides that ex-gratia payments made by the Secretary of State to members of the families of the disappeared, shall be disregarded as capital when ascertaining the entitlement to those benefits, but only for 52 weeks from the date of receipt of those payments.

Regulation 3 provides that any such payment shall be disregarded for the purpose of any deduction to be made from a social fund funeral payment.

These Regulations do not impose any charge on business.

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