

2001 No. 392

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Capital Disregards Amendment No. 3)
Regulations (Northern Ireland) 2001**

Made 23rd October 2001

Coming into operation 19th November 2001

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 132(4)(b) 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. 3) Regulations (Northern Ireland) 2001 and shall come into operation on 19th November 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 61 of Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(g) (capital to be disregarded);
- (b) paragraph 63 of Schedule 5 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(h) (capital to be disregarded);

(a) 1992 c. 7
(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)); see also Article 6(b) of S.R. 1999 No. 481
(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 60 was added by regulation 2(a) of S.R. 2001 No. 157
(h) S.R. 1987 No. 461; paragraph 62 was added by regulation 2(b) of S.R. 2001 No. 157

(c) paragraph 54 of Schedule 7 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(a) (capital to be disregarded);

the following paragraph—

“The amount of a payment, other than a war pension within the meaning in section 25 of the Social Security Act 1989(b), to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse or the claimant's partner's deceased spouse—

(a) was a slave labourer or a forced labourer;

(b) had suffered property loss or had suffered personal injury, or

(c) was a parent of a child who had died,

during the Second World War.”.

Sealed with the Official Seal of the Department for Social Development on 23rd October 2001.

(L.S.)

Bryan Davis

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 24th October 2001.

(L.S.)

Brian McClure

Senior Officer of the Department of
Finance and Personnel

(a) S.R. 1996 No. 198; paragraph 53 was added by regulation 2(c) of S.R. 2001 No. 157
(b) 1989 c. 24

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 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

In particular, regulation 2 provides that payments made to compensate for a person being a slave labourer or a forced labourer, suffering property loss or personal injury or being the parent of a child who had died, during the Second World War, shall be disregarded as capital when ascertaining the entitlement of the recipient of that payment to those benefits.

In so far as these Regulations are required, for the purposes of regulation 2(b), 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 Work and Pensions 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.

£1.75

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. 10271. C3. 10/01. Gp. 130. 14567.