

2002 No. 128

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2002**

Made 27th March 2002

Coming into operation 8th April 2002

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 131(1), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and Articles 6(5), 14(1) and (4)(b) 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 regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations 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 (Miscellaneous Amendments) Regulations (Northern Ireland) 2002 and shall come into operation on 8th April 2002.

(2) In these Regulations—

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

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

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

(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) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1994 No. 327, S.R. 1995 Nos. 86 and 410, S.R. 1997 No. 22, S.R. 1998 No. 326 and S.R. 2001 No. 78
(g) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1998 No. 326 and S.R. 2001 No. 78
(h) 1954 c. 33 (N.I.)

Income Support: income disregard

2.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) after the definition of “voluntary organisation”**(a)** there shall be inserted the following definition—

“ “war widower’s pension” means any widower’s pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917**(b)**, the Personal Injuries (Emergency Provisions) Act 1939**(c)**, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939**(d)**, the Polish Resettlement Act 1947**(e)** or Part VII or section 151 of the Reserve Forces Act 1980**(f)** or a pension or allowance for a widower granted under any scheme mentioned in section 315(2)**(e)** of the Income and Corporation Taxes Act 1988**(g)**”.

(3) In regulation 42(4)**(a)(i)(h)** (notional income) after “war widow’s pension” there shall be inserted “or war widower’s pension” and after “widow” there shall be inserted “or widower”.

(4) In regulation 51(3)**(a)(i)(i)** (notional capital) after “war widow’s pension” there shall be inserted “or war widower’s pension” and after “widow” there shall be inserted “or widower”.

(5) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

- (a)** in paragraph 16**(b)(j)** after “pension” there shall be inserted “or war widower’s pension”;
- (b)** in paragraph 16**(c)** after “widow” there shall be inserted “or widower”;
- (c)** in paragraphs 54 and 55**(k)** after “widows” there shall be inserted “or widowers”;
- (d)** in paragraph 56(1)**(a)(l)** after “widow” there shall be inserted “or widower”, and
- (e)** in paragraph 56(1)**(b)** after “widows” there shall be inserted “or widowers”.

(a) Definition of “voluntary organisation” was inserted by regulation 2(2) of S.R. 1995 No. 86

(b) 1917 c. 51 (7 & 8 Geo. 5)

(c) 1939 c. 82 (2 & 3 Geo. 6)

(d) 1939 c. 83 (2 & 3 Geo. 6)

(e) 1947 c. 19 (10 & 11 Geo. 6)

(f) 1980 c. 9

(g) 1988 c. 1

(h) Paragraph (4) was substituted by regulation 9(a) of S.R. 1988 No. 318 and amended by regulation 5(2) of S.R. 1995 No. 410 and regulation 2(2)(a) of S.R. 1998 No. 326

(i) Paragraph (3) was substituted by regulation 11(a) of S.R. 1988 No. 318 and amended by regulation 9 of S.R. 1997 No. 22 and regulation 3(2)(a) of S.R. 1998 No. 326

(j) Paragraph 16 was substituted by regulation 5(3) of S.R. 1995 No. 410

(k) Paragraphs 54 and 55 were added by regulation 2(10)(b) of S.R. 1994 No. 327

(l) Paragraph 56 was added by regulation 2(10)(b) of S.R. 1994 No. 327

Housing Benefit: income disregard

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(a) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation) after the definition of “voluntary organisation”(b) there shall be inserted the following definition—

“ “war widower’s pension” means any widower’s pension or allowance granted in respect of a death due to service or war injury and payable by virtue of the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947 or Part VII or section 151 of the Reserve Forces Act 1980 or a pension or allowance for a widower granted under any scheme mentioned in section 315(2)(e) of the Income and Corporation Taxes Act 1988;”.

(3) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 13(b)(c) after “pension” there shall be inserted “or war widower’s pension”;

(b) in paragraph 13(c) after “widow” there shall be inserted “or widower”;

(c) in paragraphs 56 and 57(d) after “widows” there shall be inserted “or widowers”;

(d) in paragraph 58(1)(a)(e) after “widow” there shall be inserted “or widower”, and

(e) in paragraph 58(1)(b) after “widows” there shall be inserted “or widowers”.

Jobseeker’s Allowance: income disregard

4.—(1) The Jobseeker’s Allowance Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation) after the definition of “war widow’s pension” there shall be inserted the following definition—

“ “war widower’s pension” means a pension payable to a man as a widower under any of the enactments mentioned in the definition of “war disablement pension” in respect of death or disablement of any person;”.

(3) In regulation 105(10)(a)(i)(f) (notional income) after “war widows pension” there shall be inserted “or war widower’s pension”.

(a) 1987 No. 461; relevant amending Regulations are S.R. 1994 No. 335 and S.R. 1995 Nos. 89, 335 and 410

(b) Definition of “voluntary organisation” was inserted by regulation 2 of S.R. 1995 No. 89

(c) Paragraph 13 was substituted by regulation 4(2)(a) of S.R. 1995 No. 410

(d) Paragraphs 56 and 57 were added by regulation 12(b) of S.R. 1994 No. 335

(e) Paragraph 58 was added by regulation 12(b) of S.R. 1994 No. 335

(f) Paragraph (10) was amended by regulation 2(1)(a) of S.R. 1998 No. 326

(4) In regulation 113(3)(a)(i)(a) (notional capital) after “war widow’s pension” there shall be inserted “or war widower’s pension”.

(5) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 17(b) after “pension” there shall be inserted “or war widower’s pension”;

(b) in paragraph 17(c) after “widow” there shall be inserted “or widower”;

(c) in paragraphs 53 and 54 after “widows” there shall be inserted “or widowers”;

(d) in paragraph 55(1)(a) after “widow” there shall be inserted “or widower”, and

(e) in paragraph 55(1)(b) after “widows” there shall be inserted “or widowers”.

Income Support and Jobseeker’s Allowance: housing costs linking rules

5. In paragraph 14(13) of Schedule 3 to the Income Support Regulations(b) (housing costs: linking rule) and paragraph 13(15) of Schedule 2 to the Jobseeker’s Allowance Regulations(c) (housing costs: linking rule) after “paragraph 6(1)(a)” there shall be inserted “, 6(1)(b)”.

Sealed with the Official Seal of the Department for Social Development
on 27th March 2002.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

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

Sealed with the Official Seal of the Department of Finance and Personnel
on 27th March 2002.

(L.S.)

Rodney Scott

Senior Officer of the Department of Finance and Personnel

(a) Paragraph (3) was amended by regulation 3(1)(a) of S.R. 1998 No. 326

(b) Sub-paragraph (13) was added by regulation 6(c) of S.R. 2001 No. 78

(c) Sub-paragraph (15) was added by regulation 12(b)(iii) of S.R. 2001 No. 78

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, regulations 2 and 4 provide for income disregards in respect of war widowers' pensions in the Income Support (General) Regulations (Northern Ireland) 1987 and to the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

Regulation 3 provides for a full disregard in respect of a war widower's pension in the Housing Benefit (General) Regulations (Northern Ireland) 1987.

Regulation 5 also amends Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987 and Schedule 2 to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to extend the 52 week linking provisions to claimants whose housing costs are met in part.

In so far as these Regulations are required, for the purposes of regulation 3, 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.

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