

STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 243**

**HOUSING; RATES; SOCIAL SECURITY**

**The Social Security (Intercalating Students Amendment)  
Regulations (Northern Ireland) 2002**

*Made - - - - - 10th July 2002*

*Coming into operation 1st August 2002*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(d), 133(2)(j) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Article 8(4) 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(1) and (2)(a) are 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 (Intercalating Students Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 1st August 2002.

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

**Intercalating students**

2.—(1) In each of the provisions specified in paragraph (2) –

(a) after “is the period” there shall be inserted “, not exceeding one year,”;

(b) for sub-paragraph (b) there shall be substituted the following sub-paragraph –

“(b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,”.

(2) The provisions specified for the purposes of paragraph (1) are –

(a) regulation 48A(6) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(g) (full-time students to be treated as not liable to make payments in respect of a dwelling);

(b) regulation 1(2E) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(h) (interpretation).

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(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. 461; regulation 48A was inserted by regulation 3(6) of S.R. 1990 No. 297 and paragraph (6) was added by regulation 2(4) of S.R. 2000 No. 241  
(h) S.R. 1996 No. 198; paragraph (2E) was inserted by regulation 4(2)(b) of S.R. 2000 No. 241

Sealed with the Official Seal of the Department for Social Development on 10th July 2002.

(L.S.)

*Bryan Davis*

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 2(1) and (2)(a) of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 11th July 2002.

(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 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996 in so far as those Regulations apply to students.

In particular, regulation 2 makes a change to the period during which students, who have taken a break from their courses due to illness or caring responsibilities, may claim housing benefit and jobseeker's allowance.

In so far as these Regulations are required, for the purposes of regulation 2(1) and (2)(a), 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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