

2003 No. 154

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2003**

Made - - - - - *10th March 2003*

Coming into operation *1st April 2003*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 132(3) and (4)(b) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 6(5), 14(1), (2), (3) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), Article 74(4) to (6) of the Social Security (Northern Ireland) Order 1998(c), and now vested in it(d), and section 60(1) to (4) of the Child Support Pensions and Social Security Act (Northern Ireland) 2000(e) and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(f) in so far as regulation 4 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(g), 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) 2003 and shall come into operation on 1st April 2003.

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

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(i) shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 71(j) the following paragraph shall be added –

“72. Any payment made by the Northern Ireland Housing Executive to the claimant or his partner, or to another person on their behalf, relating to housing support services under

(a) 1992 c. 7
(b) S.I. 1995/2705 (N.I. 15)
(c) S.I. 1998/1506 (N.I. 10)
(d) See Article 8(b) of S.R. 1999 No. 481
(e) 2000 c. 4 (N.I.)
(f) 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
(g) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(h) 1954 c. 33 (N.I.)
(i) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 193 and S.R. 2001 Nos. 261 and 392
(j) Paragraph 71 was added by regulation 2(b) of S.R. 2001 No. 261

Article 4 of the Housing Support Services (Northern Ireland) Order 2002(a), where the claimant or his partner qualified for that payment.”.

(3) In Schedule 10 (capital to be disregarded) –

(a) at the end of paragraph 25(b) there shall be added “or, where that dwelling is occupied as the home by the former partner who is a lone parent, for as long as it is so occupied”;

(b) after paragraph 61(c) the following paragraph shall be added –

“62. Any payment made by the Northern Ireland Housing Executive to the claimant or his partner, or to another person on their behalf, relating to housing support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002, where the claimant or his partner qualified for that payment.”.

Amendment of the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(d) shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph 2(1) of Schedule 5A(e) (sums to be disregarded in the calculation of earnings of members of joint-claim couples) for “an invalid care allowance” in each place where those words occur there shall be substituted “a carer’s allowance”.

(3) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 67(f) the following paragraph shall be added –

“68. Any payment made by the Northern Ireland Housing Executive to the claimant or his partner, or to another person on their behalf, relating to housing support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002, where the claimant or his partner qualified for that payment.”.

(4) In Schedule 7 (capital to be disregarded) –

(a) at the end of paragraph 5 there shall be added “or, where that dwelling is occupied as the home by the former partner who is a lone parent, for as long as it is so occupied”;

(b) after paragraph 54(g) the following paragraph shall be added –

“55. Any payment made by the Northern Ireland Housing Executive to the claimant or his partner, or to another person on their behalf, relating to housing support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002, where the claimant or his partner qualified for that payment.”.

Amendment of the Housing Benefit (General) Regulations

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

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

(a) after paragraph 4A(i) the following paragraph shall be inserted –

“4B. In the case of housing benefit, which was in the form of a rate rebate only, where the claimant, or the person who was the partner of the claimant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker’s allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of

(a) S.I. 2002/3154 (N.I. 8)

(b) Paragraph 25 was added by regulation 3(b) of S.R. 1988 No. 193

(c) Paragraph 61 was added by regulation 2(a) of S.R. 2001 No. 392

(d) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2000 Nos. 350 and 366 and S.R. 2001 Nos. 261 and 392

(e) Schedule 5A was inserted by regulation 2(5) of and paragraph 58 of Schedule 2 to S.R. 2000 No. 350 and paragraph 2(1) was amended by regulation 3, and paragraph 3 of the Schedule to, S.R. 2000 No. 366

(f) Paragraph 67 was added by regulation 2(c) of S.R. 2001 No. 261

(g) Paragraph 54 was added by regulation 2(c) of S.R. 2001 No. 392

(h) S.R. 1987 No. 461; relevant amending Regulations are S.R. 2001 Nos. 120, 261 and 392

(i) Paragraph 4A was inserted by regulation 6(a) of S.R. 2001 No. 120

regulation 12 of the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1999(a), the whole of his income.”;

(b) after paragraph 73(b) the following paragraph shall be inserted –

“74. Any payment made by the Northern Ireland Housing Executive to the claimant or his partner, or to another person on their behalf, relating to housing support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002, where the claimant or his partner qualified for that payment.”.

(3) After paragraph 63 of Schedule 5(c) (capital to be disregarded) the following paragraph shall be added –

“64. Any payment made by the Northern Ireland Housing Executive to the claimant or his partner, or to another person on their behalf, relating to housing support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002, where the claimant or his partner qualified for that payment.”.

Amendment of the Discretionary Financial Assistance Regulations

5. For regulation 4 of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(d) there shall be substituted the following regulation –

“Limit on the amount of the discretionary housing payment that may be made

4. The amount of a discretionary housing payment (calculated as a weekly sum) shall not exceed, in a case to which regulation 2(1) refers, an amount equal to the amount of the aggregate of the payments specified in regulation 10(1) of the Housing Benefit Regulations(e) (rent) less the aggregate of the amounts referred to in paragraph (3)(b)(f) of that regulation and any deductions made in accordance with regulation 62 (housing benefit tapers) or regulation 63(g) (non-dependant deductions) calculated on a weekly basis in accordance with regulation 69(h) (calculation of weekly amounts) and regulation 70 (rent and rate-free periods) of those Regulations.”.

Sealed with the Official Seal of the Department for Social Development on 10th March 2003.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 4 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 10th March 2003.

(L.S.)

Rodney Scott

Senior Officer of the Department of Finance and Personnel

(a) S.R. 1999 No. 416

(b) Paragraph 73 was inserted by regulation 2(a) of S.R. 2001 No. 261

(c) Paragraph 63 was added by regulation 2(b) of S.R. 2001 No. 392

(d) S.R. 2001 No. 216

(e) Regulation 10(1)(h) was amended by regulation 5 of S.R. 1988 No. 424

(f) Regulation 10(3) was substituted by regulation 3(a) of S.R. 2001 No. 79

(g) Regulation 63 was amended by S.R. 1989 No. 125, S.R. 1990 Nos. 136 and 345, S.R. 1992 Nos. 85, 404 and 549, S.R. 1993 Nos. 145, 195 and 233, S.R. 1996 No. 334, S.R. 1997 No. 3, S.R. 1998 No. 81 and S.R. 2002 No. 99

(h) Regulation 69(9) was added by regulation 4 of S.R. 1996 No. 115

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the Housing Benefit (General) Regulations (Northern Ireland) 1987 ("the principal sets of Regulations") and the Discretionary Financial Assistance Regulations (Northern Ireland) 2001.

Regulations 2(2) and (3)(b), 3(3) and (4)(b) and 4(2)(b) and (3) amend the principal sets of Regulations to provide that payments made in relation to the provision of support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002 shall be disregarded in the calculation of both income and capital.

Regulations 2(3)(a) and 3(4)(a) provide, in relation to income support and jobseeker's allowance, for a capital disregard of the value of a dwelling, which the claimant has ceased to occupy following estrangement or divorce, where the dwelling is occupied as a home by the former partner who is a lone parent.

Regulation 3(2) makes minor amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996 which are a consequence of the change of the name of invalid care allowance to carer's allowance.

Regulation 4(2)(a) amends the Housing Benefit (General) Regulations (Northern Ireland) 1987 to provide that where a claimant or the person who was the partner of the claimant on 31st March 2003 was entitled to income support or income based jobseeker's allowance at that date but ceased to be so entitled by virtue only of regulation 12 of the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1999, the whole of their income is to be disregarded.

Regulation 5 amends the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 so as to clarify the policy intention in relation to limits on discretionary housing payments.

In so far as these Regulations are required, for the purposes of regulation 4, 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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