

**2004 No. 143**

**HOUSING; RATES; SOCIAL SECURITY**

**The Social Security (Miscellaneous Amendments No. 2)  
Regulations (Northern Ireland) 2004**

*Made - - - - - 26th March 2004*

*Coming into operation in accordance with regulation 1*

The Department for Social Development, in exercise of the powers conferred on it by sections 113(3), 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), sections 2A(1), (3)(c) to (f), (4), (5)(a) and (b), (6), (7) and (8), 2B(2), (6) and (7), 71(1) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(b) and Articles 6(5), 14(1) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(c), and now vested in it(d), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(e), in so far as regulations 3 and 8 are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(f), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2004.

(2) These Regulations shall come into operation for the purposes of –

- (a) regulations 1 to 5, on 1st April 2004;
- (b) regulation 6, on 5th April 2004;
- (c) regulation 8, on 6th April 2004;
- (d) regulation 7, on 12th April 2004; and
- (e) regulation 9, in so far as it relates to a claimant for income support or, as the case may be, a jobseeker’s allowance, on the first day of the first benefit week to commence for that claimant on or after 12th April 2004.

(3) In paragraph (2)(e) “benefit week” has the same meaning as in –

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- (a) 1992 c. 7; section 113(3) was amended by paragraph 48 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
  - (b) 1992 c. 8; section 2A and 2B were inserted by Article 54 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), section 2B(2) was amended by paragraph 6(b) of the Schedule to the Social Security (Northern Ireland) Act 2002 (c. 10) and section 71(1) was amended by paragraph 32(2) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))
  - (c) S.I. 1995/2705 (N.I. 15); Article 36(2)(a) was amended by Article 4 of and paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
  - (d) See Article 8(b) of S.R. 1999 No. 481
  - (e) 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
  - (f) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

- (a) regulation 2(1) of the Income Support Regulations(a), in so far as that paragraph relates to a claimant for income support; and
- (b) regulation 1(2) of the Jobseeker’s Allowance Regulations(b), in so far as that paragraph relates to a claimant for a jobseeker’s allowance.

(4) In these Regulations –

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(c);

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

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

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

### **Amendment of the Income Support Regulations in relation to income and capital disregards**

**2.—(1)** The Income Support Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) the definition of “ERA payment”(g) shall be omitted.

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

(a) for paragraph 13(h) there shall be substituted the following paragraph –

“13.—(1) Any payment made pursuant to section 1 or 3 of the Employment and Training Act (Northern Ireland) 1950(i) except a payment –

- (a) made as a substitute for income support, a jobseeker’s allowance, incapacity benefit or severe disablement allowance;
- (b) of an allowance referred to in section 1(1B) of the Employment and Training Act (Northern Ireland) 1950;
- (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst a claimant is participating in an education, training or other scheme to help him enhance his employment prospects; or
- (d) made in respect of the cost of living away from home to the extent that the payment relates to rent or rates or, as the case may be, both for which housing benefit is payable in respect of accommodation which is not normally occupied by the claimant as his home.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel, rent or rates for which housing benefit is payable, or any housing costs to the extent that they are met under

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(a) The definition of “benefit week” was amended by regulation 2(a) of S.R. 1988 No. 318

(b) The definition of “benefit week” was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(a) of S.R. 1996 No. 503

(c) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1992 No. 141, S.R. 1993 No. 414, S.R. 1997 No. 541, S.R. 1998 No. 325, S.R. 2001 Nos. 134 and 151, S.R. 2002 No. 275 and S.R. 2003 Nos. 197 and 417

(d) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 387, S.R. 1992 No. 147, S.R. 1993 No. 373, S.R. 1997 No. 541, S.R. 1998 No. 326, S.R. 1999 No. 381, S.R. 2001 Nos. 105, 134 and 151, S.R. 2002 No. 275 and S.R. 2003 Nos. 195, 367 and 417

(e) S.R. 1996 No. 198; relevant amending Rules are S.R. 1997 No. 541, S.R. 1998 No. 326, S.R. 2000 No. 350, S.R. 2001 No. 151, S.R. 2002 Nos. 132 and 275 and S.R. 2003 Nos. 155 and 417

(f) 1954 c. 33 (N.I.)

(g) Definition of “ERA payment” was inserted by regulation 2(2) of S.R. 2003 No. 417

(h) Paragraph 13 was substituted by regulation 3(8)(b) of S.R. 1990 No. 387 and amended by regulation 17(7)(b) of S.R. 1997 No. 541 and regulation 13(11)(b) of S.R. 2001 No. 151

(i) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8)) and section 3 was amended by Article 16 of and Part I of Schedule 4 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and Article 35 of and paragraph 1 of Schedule 3 to the Industrial Training (Northern Ireland) Order 1984 (S.I. 1984/1159 (N.I. 9))

regulation 17(1)(e) (applicable amounts) or 18(1)(f) (polygamous marriages), of the claimant or, where the claimant is a member of a family, any other member of his family.

(3) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.”;

(b) in paragraph 51(a) omit from “or in accordance with” to “Act (Northern Ireland) 1950”;

(c) in paragraph 68(b) omit from “or any payment” to “Act (Northern Ireland) 1950”;

(d) paragraphs 60, 60A, 61 and 64 and 73(c) shall be omitted.

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

(a) for paragraph 30(d) there shall be substituted the following paragraph –

“30. Any payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950, but only for the period of 52 weeks beginning on and including the date of receipt of the payment.”;

(b) in paragraph 42(e) omit –

(i) “, or a training bonus paid under section 3(3) of the Employment and Training Act (Northern Ireland) 1950”, and

(ii) from “or in accordance with” to “Act (Northern Ireland) 1950”;

(c) paragraphs 48, 48A, 49, 51 and 65(f) shall be omitted.

### **Amendment of the Housing Benefit Regulations in relation to income and capital disregards**

**3.—(1)** The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) the definition of “ERA payment”(g) shall be omitted.

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

(a) for paragraph 11(h) there shall be substituted the following paragraph –

“11.—(1) Any payment made pursuant to section 1 or 3 of the Employment and Training Act (Northern Ireland) 1950 except –

(a) a payment made as a substitute for income support, a jobseeker’s allowance, incapacity benefit or severe disablement allowance;

(b) a payment of an allowance referred to in section 1(1B) of the Employment and Training Act (Northern Ireland) 1950;

(c) a payment intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst a claimant is participating in an education, training or other scheme to help him enhance his employment prospects; or

(d) for the purpose only of assessing entitlement to housing benefit in respect of a dwelling other than the one which the claimant normally occupies as his home,

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(a) Paragraph 51 was added by regulation 13(b) of S.R. 1992 No. 147

(b) Paragraph 68 was added by regulation 2(10) of S.R. 1999 No. 381 and amended by regulation 3(4) of S.R. 2001 No. 134 and prospectively amended by paragraph 23(e) of Schedule 1 to S.R. 2003 No. 195 and regulation 2(d)(iii) of S.R. 2003 No. 367

(c) Paragraph 60 was substituted by regulation 13(12) and (13)(b) of S.R. 2001 No. 151; paragraph 60A was inserted by regulation 3(3) of S.R. 2002 No. 275; paragraph 61 was added by regulation 17(9) and (10)(a) of S.R. 1997 No. 541; paragraph 64 was added by regulation 4(4) of S.R. 1998 No. 326 and amended by regulation 2(c)(ii) of S.R. 2001 No. 105 and paragraph 73 was added by regulation 2(4)(c) of S.R. 2003 No. 417

(d) Paragraph 30 was substituted by regulation 3(9) of S.R. 1990 No. 387 and amended by regulation 4(23) of S.R. 1993 No. 373

(e) Paragraph 42 was added by regulation 14(b) of S.R. 1992 No. 147

(f) Paragraph 48 was substituted by regulation 13(14) and (15)(b) of S.R. 2001 No. 151; paragraph 48A was inserted by regulation 3(4) of S.R. 2002 No. 275; paragraph 49 was added by regulation 17(11) and (12)(a) of S.R. 1997 No. 541 and paragraph 65 was added by regulation 2(5)(b) of S.R. 2003 No. 417

(g) Definition of “ERA payment” was inserted by regulation 3(2) of S.R. 2003 No. 417

(h) Paragraph 11 was substituted by regulation 5(6) of S.R. 1993 No. 414 and amended by regulation 17(7)(b) of S.R. 1997 No. 541 and regulation 13(11)(a) of S.R. 2001 No. 151

a payment made to a person to whom regulation 5(5)(b) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) applies to the extent that the payment is made in respect of the cost of living away from home.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel, rent or rates of the claimant or, where the claimant is a member of a family, any other member of his family.

(3) For the purposes of this paragraph –

“ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities, and

“rent or rates” means eligible rent or rates less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions).”;

(b) in paragraph 52(a) omit from “or in accordance with” to “Act (Northern Ireland) 1950”;

(c) paragraphs 66, 66A, 67, 69 and 75(b) shall be omitted.

(4) In Schedule 5 (capital to be disregarded) –

(a) for paragraph 33(c) there shall be substituted the following paragraph –

“33. Any payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950, but only for the period of 52 weeks beginning on and including the date of receipt of the payment.”;

(b) in paragraph 43(d) omit –

(i) “, or a training bonus paid under section 3(3) of the Employment and Training Act (Northern Ireland) 1950”, and

(ii) from “or in accordance with” to “Act (Northern Ireland) 1950”;

(c) paragraphs 51, 51A, 52, 54, 60 and 67(e) shall be omitted.

#### **Amendment of the Jobseeker’s Allowance Regulations in relation to income and capital disregards**

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

(2) In regulation 1(2) (interpretation) the definition of “ERA payment”(f) shall be omitted.

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

(a) for paragraph 14 there shall be substituted the following paragraph –

“14.—(1) Any payment made pursuant to section 1 or 3 of the Employment and Training Act (Northern Ireland) 1950 except a payment –

(a) made as a substitute for income support, a jobseeker’s allowance, incapacity benefit or severe disablement allowance;

(b) of an allowance referred to in section 1(1B) of the Employment and Training Act (Northern Ireland) 1950;

(c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst a claimant is participating in an

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(a) Paragraph 52 was added by regulation 13(b) of S.R. 1992 No. 141

(b) Paragraph 66 was substituted by regulation 13(12) and (13)(a) of S.R. 2001 No. 151; paragraph 66A was inserted by regulation 4(2) of S.R. 2002 No. 275; paragraph 67 was added by regulation 17(9) and (10)(b) of S.R. 1997 No. 541; paragraph 69 was added by regulation 4 of S.R. 1998 No. 325 and paragraph 75 was inserted by regulation 3(5)(c) of S.R. 2003 No. 417

(c) Paragraph 33 was substituted by regulation 6 of S.R. 1993 No. 414

(d) Paragraph 43 was added by regulation 14(b) of S.R. 1992 No. 141

(e) Paragraph 51 was substituted by regulation 13(15)(a) of S.R. 2001 No. 151; paragraph 51A was inserted by regulation 4(3) of S.R. 2002 No. 275; paragraph 52 was added by regulation 17(11) and (12)(b) of S.R. 1997 No. 541; paragraph 54 was added by regulation 5 of S.R. 1998 No. 325; paragraph 60 was added by regulation 2(4) of S.R. 2001 No. 134 and paragraph 67 was added by regulation 3(6)(c) of S.R. 2003 No. 417

(f) Definition of “ERA payment” was inserted by regulation 4(2) of S.R. 2003 No. 417

education, training or other scheme to help him enhance his employment prospects; or

- (d) made in respect of the cost of living away from home to the extent that the payment relates to rent or rates or, as the case may be, both for which housing benefit is payable in respect of accommodation which is not normally occupied by the claimant as his home.

(2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel, rent or rates for which housing benefit is payable, or any housing costs to the extent that they are met under regulation 83(f) or 84(1)(g) (housing costs), of the claimant or, where the claimant is a member of a family, any other member of his family.

(3) For the purposes of this paragraph, “ordinary clothing or footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities.”;

- (b) in paragraph 50 omit from “or in accordance with” to “Act (Northern Ireland) 1950”;
- (c) paragraphs 58, 58A, 59, 62 and 69(a) shall be omitted.

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

- (a) for paragraph 32 there shall be substituted the following paragraph –

“32. Any payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950, but only for the period of 52 weeks beginning on and including the date of receipt of the payment.”;

- (b) in paragraph 40 omit –

(i) “, or a training bonus under section 3(3) of the Employment and Training Act (Northern Ireland) 1950”, and

(ii) from “or in accordance with” to “Act (Northern Ireland) 1950”;

- (c) paragraphs 43, 43A, 44, 46 and 58(b) shall be omitted.

#### **Amendment of the Jobseeker’s Allowance Regulations in relation to residential allowance**

**5.**—(1) The Jobseeker’s Allowance Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 86C(c) (joint-claim couples: special cases) –

- (a) in paragraph (1)(d) for “Subject to paragraph (2A), where” there shall be substituted “Where”;

(b) paragraph (2A)(e) shall be omitted;

(c) in paragraph (3) for “paragraphs 1 and 11 (persons in a residential care or nursing home who become patients)” there shall be substituted “paragraph 1 (patients)”.

(3) In Schedule 4A(f) (applicable amounts of joint-claim couples in special cases) paragraph 6 (joint-claim couples and members of polygamous marriages where one member is, or all are, temporarily in accommodation provided by a Health and Social Services Board or an HSS trust) shall be omitted.

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- (a) Paragraph 58 was substituted by regulation 10(b) of S.R. 2001 No. 151; paragraph 58A was inserted by regulation 2(5) of S.R. 2002 No. 275; paragraph 59 was added by regulation 14(b) of S.R. 1997 No. 541; paragraph 62 was added by regulation 4(1) of S.R. 1998 No. 326 and paragraph 69 was added by regulation 4(4)(c) of S.R. 2003 No. 417
- (b) Paragraph 43 was substituted by regulation 11 of S.R. 2001 No. 151; paragraph 43A was inserted by regulation 2(6) of S.R. 2002 No. 275; paragraph 44 was added by regulation 15 of S.R. 1997 No. 541; paragraph 46 was added by regulation 5(1) of S.R. 1998 No. 326 and paragraph 58 was added by regulation 4(5)(b) of S.R. 2003 No. 417
- (c) Regulation 86C was inserted by paragraph 35 of Schedule 2 to S.R. 2000 No. 350
- (d) Paragraph (1) was amended by paragraph 9(a) of Part II of the Schedule to S.R. 2002 No. 132
- (e) Paragraph (2A) was inserted by paragraph 9(b) of Part II of the Schedule to S.R. 2002 No. 132
- (f) Schedule 4A was inserted by regulation 2(5) of, and paragraph 57 of Schedule 2 to, S.R. 2000 No. 350 and paragraph 6 was amended by regulation 2 and paragraph 20 of Part II of the Schedule to, S.R. 2002 No. 132 and Article 22(9) of and Schedule 12 to, S.R. 2003 No. 115

### **Amendment of the Social Security (Work-focused Interviews for Lone Parents) Regulations**

6. In regulation 1(1) of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(a) (citation, commencement and interpretation), for sub-paragraph (f) there shall be substituted the following sub-paragraph –

“(f) subject to the preceding sub-paragraphs, come into operation on 5th April 2004 in respect of a lone parent who on that date is entitled to income support and is responsible for and living in the same household as a child.”.

### **Amendment of the Social Security (Overlapping Benefits) Regulations**

7. In regulation 8(2)(b) and (3) (child benefit) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(b) for “£3·50” there shall be substituted “£3·65”.

### **Amendment of the Housing Benefit Regulations in relation to working tax credit and child tax credit**

8.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “supplementary benefit”(c) there shall be inserted the following definition –

“ “tax year” means, for the purposes of regulation 25 (meaning of “income”) as substituted by the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(d) and regulation 33 (calculation of income other than earnings), a period beginning with and including 6th April in one year and ending with 5th April in the next;”.

(3) In regulation 25 (meaning of “income”) as substituted by the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 after paragraph (3) there shall be inserted the following paragraph –

“(3A) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002(e) is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph (1) shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.”.

(4) In regulation 33 (calculation of income other than earnings) after paragraph (3) there shall be inserted the following paragraph –

“(3AA) Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph (1) shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.”.

### **Amendment of the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations**

9. In regulation 6(6) (income support – transitional arrangements) and regulation 7(5) (jobseeker’s allowance – transitional arrangements) of the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003(f) for “£10·45” there shall be substituted “£10·50”.

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(a) S.R. 2001 No. 152; sub-paragraph (f) was inserted by regulation 2(2) of S.R. 2002 No. 105 and substituted by regulation 2(1) of S.R. 2003 No. 107

(b) S.R. 1979 No. 242; relevant amending Regulations are S.R. 1991 No. 88, S.R. 1992 No. 116, S.R. 1996 No. 288, S.R. 2000 No. 106 and S.R. 2003 No. 44

(c) The definition of “supplementary benefit” was inserted by regulation 2 of S.R. 1992 No. 141

(d) S.R. 2003 No. 197

(e) 2002 c. 21

(f) S.R. 2003 No. 195

Sealed with the Official Seal of the Department for Social Development on 26th March 2004.

(L.S.)

*John O'Neill*

A senior officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulations 3 and 8 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 29th March 2004.

(L.S.)

*Ciaran Doran*

A 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, the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the principal Regulations”) in respect of certain provisions in the income and capital disregard Schedules to those Regulations (regulations 2 to 4);

the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) as a consequence of the cessation of the payment of a residential allowance or special amounts to those residing in residential care or nursing homes or who are in residential accommodation (regulation 5);

the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 to provide that lone parents who are entitled to income support on 5th April 2004 shall be required to take part in work-focused interviews regardless of the age of their youngest child (regulation 6);

the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979, the Housing Benefit (General) Regulations (Northern Ireland) 1987 and the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003 as a result of changes to the rates of working tax credit and child tax credit from 6th April 2004 and child benefit from 12th April 2004 (regulations 7 to 9).

Regulations 2 to 4 amend the income disregard Schedules of the principal Regulations to make provision for one paragraph to disregard (with certain exceptions) any payment made to a claimant or his partner pursuant to section 1 or 3 of the Employment and Training Act (Northern Ireland) 1950 (c. 29 (N.I.)) in the calculation of income other than earnings.

The capital disregard Schedules of the principal Regulations are similarly amended so that one paragraph provides for payments made pursuant to section 1 or 3 of the Employment and Training Act (Northern Ireland) 1950 to be disregarded as capital. The amendments also provide for the capital disregard to apply only for a period of 52 weeks from when the payment is received, and for the removal of a £200 limit on the disregard of training bonus payments.

Certain paragraphs of those Schedules which refer to the disregard of specific payments made pursuant to those Acts are consequentially amended or omitted.

Regulation 5 amends the 1996 Regulations as a consequence of the cessation of the payment of a residential allowance or special amounts to recipients of income-based jobseeker’s allowance who are residing in residential care homes or nursing homes or who are in residential accommodation as defined in regulation 85(4) of the 1996 Regulations.

Regulation 5(2) amends regulation 86C of the 1996 Regulations in consequence of the omission of certain paragraphs of Schedule 4A to the 1996 Regulations.

Regulation 5(3) omits paragraph 6 of Schedule 4A to the 1996 Regulations as a consequence of the cessation of the payment of the special amounts to recipients of income-based jobseeker’s allowance who are residing in residential accommodation provided by a Health and Social Services Board or a Health and Social Services trust.

Regulation 6 substitutes a new sub-paragraph for sub-paragraph (f) of regulation 1(1) of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 to provide that a lone parent who is entitled to income support on 5th April 2004 and who has a child (which is defined in section 133(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) as being a person who is under the age of 16) shall be required to take part in a work-focused interview in accordance with the those Regulations.



Regulation 7 amends the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 to ensure that the adjustments of benefit by reference to the rate of child benefit in respect of the only, elder or eldest child or payable in respect of a child of a lone parent remain the same despite an increase in the difference between the rates of child benefit from 12th April 2004.

Regulation 8 amends the Housing Benefit (General) Regulations (Northern Ireland) 1987 to provide that the amount of working tax credit or child tax credit to be taken into account when assessing entitlement to housing benefit shall be the amount of tax credit awarded less any deduction which is being made in order to recover any overpayment of tax credit.

Regulation 9 amends the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003 to increase with effect from the first day of the first benefit week to commence for a claimant of income support or a jobseeker's allowance on or after 12th April 2004 the income support or jobseeker's allowance income disregard for families in which there is a child under the age of one.

In so far as these Regulations are required, for the purposes of regulations 3 and 8, 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 a charge on business.



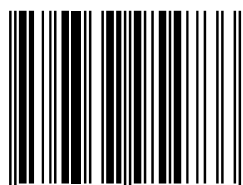


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