
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 143

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

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”⁽¹⁾ shall be omitted.

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

(a) for paragraph 11⁽²⁾ 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, 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).”;

⁽¹⁾ Definition of “ERA payment” was inserted by regulation 3(2) of [S.R. 2003 No. 417](#)

⁽²⁾ 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](#)

- (b) in paragraph 52(3) omit from “or in accordance with” to “Act (Northern Ireland) 1950”;
 - (c) paragraphs 66, 66A, 67, 69 and 75(4) shall be omitted.
- (4) In Schedule 5 (capital to be disregarded) –
- (a) for paragraph 33(5) 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(6) 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(7) shall be omitted.

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- (3) Paragraph 52 was added by regulation 13(b) of [S.R. 1992 No. 141](#)
 - (4) 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](#)
 - (5) Paragraph 33 was substituted by regulation 6 of [S.R. 1993 No. 414](#)
 - (6) Paragraph 43 was added by regulation 14(b) of [S.R. 1992 No. 141](#)
 - (7) 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](#)