

2004 No. 163

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Income-Related Benefits Self-Employment Route Amendment) Regulations
(Northern Ireland) 2004**

Made - - - - - *1st April 2004*

Coming into operation *4th May 2004*

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 (c), 133(2)(d) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 14(1) to (3) and (4)(b) and paragraph 1(2)(b) of Schedule 1 to, 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 is 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 (Income-Related Benefits Self-Employment Route Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 4th May 2004.

(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.

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- (a) 1992 c. 7; section 133(2)(d) was substituted by paragraph 18(3) of Schedule 2 to the Jobseeker’s (Northern Ireland) Order 1995 and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (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
- (f) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1999 No. 381, S.R. 2001 No. 151, S.R. 2002 Nos. 203 and 275
- (g) S.R. 1996 No. 198; relevant amending Regulations are S.R. 2001 No. 151, S.R. 2002 Nos. 203 and 275
- (h) 1954 c. 33 (N.I.)

Common amendments

2. In regulation 2(1) of each of the Housing Benefit (General) Regulations (Northern Ireland) 1987(a) and the Income Support Regulations(b) and in regulation 1(2) of the Jobseeker's Allowance Regulations(c) (interpretation) for the definition of "self-employment route" there shall be substituted the following definition –

““self-employment route” means assistance in pursuing self-employed earner’s employment whilst participating in a programme provided or other arrangements made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950(d) (general functions of Ministry as to employment and training for employment);”.

Other amendment of the Income Support (General) Regulations

3. In the Income Support Regulations in regulation 6(1)(e) (persons not treated as engaged in remunerative work) after sub-paragraph (d) there shall be inserted the following sub-paragraph –

“(dd) he is receiving assistance under the self-employment route;”.

Other amendment of the Jobseeker's Allowance Regulations

4. In the Jobseeker's Allowance Regulations in regulation 53 (persons treated as not engaged in remunerative work) after paragraph (b) there shall be inserted the following paragraph –

“(bb) he is receiving assistance under the self-employment route;”.

Sealed with the Official Seal of the Department for Social Development on 1st April 2004.

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 2 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 2nd April 2004.

(L.S.)

Ciaran Doran

A senior officer of the Department of Finance and Personnel

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- (a) S.R. 1987 No. 461; the definition of "self-employment route" was inserted by regulation 13(2)(b) and (3)(a) of S.R. 2001 No. 151
- (b) The definition of "self-employment route" was inserted by regulation 13(2)(b) and (3)(b) of S.R. 2001 No. 151 and amended by regulation 2 of S.R. 2002 No. 203 and regulation 3(2) of S.R. 2002 No. 275
- (c) The definition of "self-employment route" was inserted by regulation 2(b) of S.R. 2001 No. 151 and amended by regulation 2 of S.R. 2002 No. 203 and regulation 2(2) of S.R. 2002 No. 275
- (d) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employments 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))
- (e) Regulation 6 was amended by regulation 4(a) of S.R. 1988 No. 318 and renumbered regulation 6(1) by regulation 2(3) of S.R. 1999 No. 381

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").

Regulation 2 amends each of the principal Regulations so as to replace the existing definition of "self-employment route". The amendment will allow the provisions in the principal Regulations which relate to the self-employment route to be extended to persons receiving assistance in pursuing self-employed earner's employment whilst taking part in any programmes provided or arrangements made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 50).

Regulations 3 and 4 amend the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to provide that persons receiving assistance under the self-employment route who do not fall within any of the existing exceptions shall not be treated as engaged in remunerative work.

In so far as these Regulations are required, for the purposes of regulation 2, 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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