

2005 No. 324

SOCIAL SECURITY

**The Children (Leaving Care) Social Security Benefits
Regulations (Northern Ireland) 2005**

Made - - - - - *30th June 2005*

Coming into operation *1st September 2005*

The Department for Social Development, in exercise of the powers conferred by section 6(3), (4) and (5) of the Children (Leaving Care) Act (Northern Ireland) 2002(a), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Leaving Care) Social Security Benefits Regulations (Northern Ireland) 2005 and shall come into operation on 1st September 2005.

(2) In these Regulations “the Act” means the Children (Leaving Care) Act (Northern Ireland) 2002.

Entitlement to benefits

2.—(1) Section 6 of the Act (exclusion from benefits) shall not apply for the purposes of entitlement to income support or income-based jobseeker’s allowance where a person –

- (a) falls within subsection (2) of that section; and
 - (b) falls within a category of person prescribed in –
 - (i) provided the person is a lone parent, regulation 13(2)(a)(b) (circumstances in which persons in relevant education are to be entitled to income support) of;
 - (ii) regulation 13(2)(b) of, or
 - (iii) paragraph 1, 2(c), 7, 8(d), 10, 11(e), 12(f), 13, 24(g) or 25(h) of Schedule 1B(i) (prescribed categories of person) to,
- the Income Support (General) Regulations (Northern Ireland) 1987(j) (“the Income Support Regulations”).

(a) 2002 c. 11
(b) Paragraph (2) was amended by regulation 6(a) of S.R. 1991 No. 338
(c) Paragraph 2 was amended by regulation 2(5) of S.R. 1998 No. 2
(d) Paragraph 8 was amended by regulation 2(d)(i) of S.R. 2000 No. 74
(e) Paragraphs 10 and 11 were amended by the Schedule to, S.R. 2000 No. 241
(f) Paragraph 12 was substituted by regulation 2(7) of S.R. 2000 No. 242
(g) Paragraph 24 was amended by Article 9(4)(a) and (b) of S.R. 1999 No. 371 (C. 28)
(h) Paragraph 25 was amended by regulation 4(3) of S.R. 2000 No. 4 and Article 9(4)(b) of S.R. 1999 No. 371 (C. 28)
(i) Schedule 1B was inserted by regulation 22 of and Schedule 1 to, S.R. 1996 No. 199
(j) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1991 No. 338, S.R. 1996 No. 199, S.R. 1998 No. 2, S.R. 1999 No. 371 (C. 28) and S.R. 2000 Nos. 4, 74, 241 and 242

(2) Section 6 of the Act shall not apply to a person who falls within subsection (2) of that section who has not been looked after by an authority for the purposes of Article 34A(2) to (9) of the Children (Northern Ireland) Order 1995^(a) on or after 1st September 2005.

(3) In paragraph 1(b)(i), “lone parent” has the meaning prescribed in regulation 2(1) of the Income Support Regulations.

Sealed with the Official Seal of the Department for Social Development on 30th June 2005.

(L.S.)

John O’Neill

A senior officer of the Department for Social Development

^(a) S.I. 1995 No. 755 (N.I. 2); Article 34A was inserted by section 1 of the Children (Leaving Care) Act (Northern Ireland) 2002

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe the categories of cases where section 6 (exclusion from benefits) of the Children (Leaving Care) Act (Northern Ireland) 2002 (c.11) does not apply.

Care leavers aged 16/17 who are fully supported by the responsible authority with maintenance and accommodation are not entitled to income support or income-based jobseeker's allowance. Regulation 2 sets out the exceptions where section 6 (exclusion from benefits) does not apply. These exceptions include care leavers aged 16/17 who are also lone parents or sick or disabled and who will continue to have access to income support and income-based jobseeker's allowance.

These Regulations 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 Social Security Administration (Northern Ireland) Act 1992 (c. 8), 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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