

**2005 No. 374**

**HOUSING; RATES; SOCIAL SECURITY**

**The Income-related Benefits (Amendment) Regulations  
(Northern Ireland) 2005**

*Made* - - - - *8th August 2005*

*Coming into operation* - *9th August 2005*

The Department for Social Development, in exercise of the powers conferred 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) and Articles 14(1) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), and sections 15(6)(b) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(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 regulation 3 is concerned, without having referred any proposals in respect of these Regulations to the Social Security Advisory Committee since it appears to the Department for Social Development that by reason of the urgency of the matter it is inexpedient to do so(f), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Income-related Benefits (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 9th August 2005.

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

**Amendment of the Income Support (General) Regulations**

2. In Schedule 10 to the Income Support (General) Regulations (Northern Ireland) 1987(h) (capital to be disregarded) after paragraph 22(i) there shall be inserted the following paragraph—

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- (a) 1992 c. 7; 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); Article 36(2)(a) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)  
(c) See Article 8(b) of S.R. 1999 No. 481  
(d) 2002 c.14 (N.I.)  
(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 sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)  
(g) 1954 c. 33 (N.I.)  
(h) S.R. 1987 No. 459  
(i) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204 and amended by regulation 5(8)(a) of S.R. 1992 No. 201, regulation 5(5)(a) of S.R. 1993 No. 233, regulation 3(5) of S.R. 2000 No. 241 and regulation 3(1), (2)(b), (3) and (4)(b) of S.R. 2004 No. 213

**“22A.—**(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of income support during which the grant is paid; and
- (b) where that award is followed by one or more further awards of income support which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
  - (i) is the person who received the grant, or
  - (ii) is the partner of that person, or was the partner of that person at the date of the latter’s death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

### **Amendment of the Housing Benefit (General) Regulations**

**3.—**(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987<sup>(a)</sup> shall be amended in accordance with paragraphs (2) to (4).

(2) In Schedule 5 (capital to be disregarded) after paragraph 23<sup>(b)</sup> there shall be inserted the following paragraph—

**“23A.—**(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of housing benefit during which the grant is paid; and
- (b) where that award is followed by one or more further awards of housing benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
  - (i) is the person who received the grant, or
  - (ii) is the partner of that person, or was the partner of that person at the date of the latter’s death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

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(a) S.R. 1987 No. 461

(b) Paragraph 23 was substituted by regulation 3(8)(a) of S.R. 1991 No. 204 and amended by regulation 4(8)(a) of S.R. 1992 No. 201, regulation 4(6)(a) of S.R. 1993 No. 233 and regulation 3(1), (2)(a), (3) and (4)(a) of S.R. 2004 No. 213

(3) The amendment made by paragraph (4) is to the Regulations as modified in their application to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003<sup>(a)</sup> applies.

(4) In Schedule 5ZA<sup>(b)</sup> (capital to be disregarded) after paragraph 16<sup>(c)</sup> there shall be inserted the following paragraph—

“**16A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of housing benefit during which the grant is paid; and
- (b) where that award is followed by one or more further awards of housing benefit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
  - (i) is the person who received the grant, or
  - (ii) is the partner of that person, or was the partner of that person at the date of the latter’s death.

(3) In sub-paragraph (1), “the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

#### **Amendment of the Jobseeker’s Allowance Regulations**

4. In Schedule 7 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996<sup>(d)</sup> (capital to be disregarded) after paragraph 27<sup>(e)</sup> there shall be inserted the following paragraph—

“**27A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of—

- (a) an injury he suffered in the terrorist attacks carried out in London on 7th July 2005 as a result of which he stayed at least one night in hospital; or
- (b) the death of a partner or close relative of his in, or as a result of, those attacks.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of a jobseeker’s allowance during which the grant is paid; and
- (b) where that award is followed by one or more further awards of a jobseeker’s allowance which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
  - (i) is the person who received the grant;

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(a) S.R. 2003 No. 197

(b) Schedule 5ZA was inserted by regulation 12 of, and Schedule 2 to, S.R. 2003 No.197

(c) Paragraph 16 was amended by regulation 2(14)(c)(xvi) of S.R. 2003 No. 418 and regulation 3(5) and (6)(a) of S.R. 2004 No. 213

(d) S.R. 1996 No. 198

(e) Paragraph 27 was amended by regulation 3(5) and (6)(b) of S.R. 2004 No. 213

- (ii) is the partner of that person, or was the partner of that person at the date of the latter's death, or
- (iii) in the case of a joint-claim jobseeker's allowance, is a joint-claim couple either member of which received the grant.

(3) In sub-paragraph (1), "the London Bombings Relief Charitable Fund" means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005."

### **Amendment of the State Pension Credit Regulations**

5. In Schedule 5 to the State Pension Credit Regulations (Northern Ireland) 2003(a) (capital disregarded for the purpose of calculating income) after paragraph 15(b) there shall be inserted the following paragraph—

"**15A.**—(1) An amount equal to any interim assistance grant paid by the London Bombings Relief Charitable Fund for the purpose of relieving immediate need faced by the claimant arising in consequence of the death of a partner or close relative of his in, or as a result of, the terrorist attacks carried out in London on 7th July 2005.

(2) A disregard which applies by virtue of sub-paragraph (1) shall have effect only in relation to—

- (a) an award of state pension credit during which the grant is paid; and
- (b) where that award is followed by one or more further awards of state pension credit which begins immediately after the end of the previous award, such further award, provided that the claimant in respect of that further award—
  - (i) is the person who received the grant, or
  - (ii) is the partner of that person, or was the partner of that person at the date of the latter's death.

(3) In sub-paragraph (1), "the London Bombings Relief Charitable Fund" means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005."

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(a) S.R. 2003 No. 28

(b) Paragraph 15 was amended by regulation 3(1), (2)(c), (3) and (4)(c) of S.R. 2004 No. 213

Sealed with the Official Seal of the Department for Social Development on 8th August 2005.



*John O'Neill*

A senior officer of the Department for Social Development

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

Sealed with the Official Seal of the Department of Finance and Personnel on 8th August 2005.



*Mary McIvor*

A senior officer of the Department of Finance and Personnel

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996 so as to make provision for an interim assistance grant paid by the London Bombings Relief Charitable Fund to a person who was injured, or was a partner or close relative of someone killed, in or as a result of the terrorist attacks carried out in London on 7th July 2005, to be disregarded when calculating that person's capital for the purpose of an award of benefit where the grant is paid during the award. The disregard will last for the remainder of that award (or further awards if there is no break in-between).

The Regulations also amend the State Pension Credit Regulations (Northern Ireland) 2003 so as to provide for an interim assistance grant paid by that Fund to a person who was a partner or close relative of someone killed in, or as a result of, those attacks to be disregarded when calculating that person's income from capital for the purpose of an award of state pension credit where the grant is paid during the award. The disregard will last for the remainder of that award (or further awards if there is no break in-between).

These Regulations do not impose any charge on business.



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Published by The Stationery Office Limited

ISBN 0-337-96123-9



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