

2006 No. 184

SOCIAL SECURITY

**The Social Security (PPF Payments and FAS Payments)
(Consequential Amendments) Regulations (Northern Ireland)
2006**

Made - - - - *10th April 2006*

Coming into operation - *5th May 2006*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 30DD(1)(c), 89(1), (1A) and (2) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Articles 6(1)(b) and 36(1) and (2) of the Jobseekers (Northern Ireland) Order 1995(b) and now vested in it(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (PPF Payments and FAS Payments) (Consequential Amendments) Regulations (Northern Ireland) 2006 and shall come into operation on 5th May 2006.

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

Amendment of the Social Security Benefit (Dependency) Regulations

2.—(1) The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(e) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 9A(f) (apportionment of payments by way of occupational pension made otherwise than weekly)—

(a) in the heading for “occupational pension” there shall be substituted “occupational or personal pension or PPF periodic payment”;

(a) 1992 c. 7; section 30DD was inserted by Article 60 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and subsection (1) was substituted by paragraph 1(2)(b) of the Schedule to S.R. 2006 No. 37; section 89(1) was amended by paragraph 26 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and Schedule 6 to the Tax Credits Act 2002 (c. 21), and subsection (1A) was inserted, and subsection (2) was amended, by paragraph 1(3) of the Schedule to S.R. 2006 No. 37; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002

(b) S.I. 1995/2705 (N.I. 15); Article 6(1)(b) was amended by paragraph 2(3) of the Schedule to S.R. 2006 No. 37; Article 36(2) 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) 1954 c. 33 (N.I.)

(e) S.R. 1977 No. 74; relevant amending Regulations are S.R. 1987 No 129, S.R. 1989 Nos. 103 and 381, S.R. 1992 Nos. 83 and 521 and S.R. 2002 No. 323

(f) Regulation 9A was inserted by regulation 5 of S.R. 1989 No. 103 and amended by regulation 3(2) of S.R. 1992 No. 83

- (b) for the words from “For the purposes” to “by way of occupational or personal pension” there shall be substituted “For the purposes of section 89(1) of, and paragraph 7(1) of Schedule 7 to, the Contributions and Benefits Act(a), where payment by way of occupational or personal pension, or for the purposes of section 89(1A) of that Act by way of PPF periodic payment(b),”.

(3) In paragraph 9(1) of Schedule 2(c) (prescribed circumstances for increase of a carer’s allowance) after “occupational or personal pension” there shall be inserted “or PPF periodic payment”.

Amendment of the Social Security (Incapacity Benefit) Regulations

3.—(1) The Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(d) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 20(e) (disregard of certain pension payments)—

(a) in the heading after “pension payments” there shall be added “or PPF periodic payments”;

(b) after paragraph (a) there shall be inserted the following paragraph—

“(aa) any PPF periodic payment(f) made to a person as a beneficiary on the death of a person entitled to such a payment;”.

(3) In regulation 21 (date from which pension payment is to be taken into account)—

(a) in the heading after “pension payment” there shall be inserted “or PPF periodic payment”;

(b) after “the pension payment” there shall be inserted “or PPF periodic payment”.

(4) In regulation 22 (date from which the change in the rate of pension takes effect)—

(a) in the heading after “pension” there shall be inserted “or PPF periodic payment”;

(b) after “Where pension payments” there shall be inserted “or PPF periodic payments”;

(c) after “the pension payment” there shall be inserted “or PPF periodic payment”.

(5) In regulation 23 (pension payment made other than weekly)—

(a) in the heading after “Pension payment” there shall be inserted “or PPF periodic payment”;

(b) in paragraphs (1) and (2) after “pension payment” there shall be inserted “or PPF periodic payment”;

(c) in paragraph (1) after “weekly pension payments” there shall be inserted “or weekly PPF periodic payments”;

(d) in paragraph (3)—

(i) after “weekly pension payment” there shall be inserted “or weekly PPF periodic payment”;

(ii) after “pension payments” there shall be inserted “or PPF periodic payments”;

(iii) after “each pension payment” there shall be inserted “or PPF periodic payment”.

(a) The definition of “the Contributions and Benefits Act” was inserted into regulation 1(2) of S.R. 1977 No. 74 by regulation 2(2) of S.R. 1992 No. 521

(b) “PPF periodic payments” are defined for the purposes of section 89 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 by subsection (3) of that section which was added by paragraph 1(3)(d) of the Schedule to S.R. 2006 No. 37

(c) Paragraph 9 was inserted by regulation 4(4) of S.R. 1987 No. 129 and amended by regulation 2 of S.R. 1989 No. 381 and paragraph 1(c) of the Schedule to S.R. 2002 No. 323

(d) S.R. 1994 No. 461; relevant amending Regulations are S.R. 2000 No. 404

(e) Regulations 20 to 23 were added by regulation 2(5) of S.R. 2000 No. 404

(f) The definition of “PPF periodic payments” was inserted into section 121(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 by paragraph 1(4) of the Schedule to S.R. 2006 No. 37

Amendment of the Social Security (Incapacity Benefit — Increases for Dependants) Regulations

4. In regulation 11 of the Social Security (Incapacity Benefit — Increases for Dependants) Regulations (Northern Ireland) 1994(a) (apportionment of payments by way of occupational or personal pension made otherwise than weekly)—

- (a) in the heading after “occupational or personal pension” there shall be inserted “or PPF periodic payment”;
- (b) after “include occupational or personal pensions” there shall be inserted “or PPF periodic payments”;
- (c) after “by way of occupational or personal pension” there shall be inserted “or PPF periodic payment”.

Amendment of the Jobseeker’s Allowance Regulations

5. In regulation 81 of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(b) (payments by way of pensions)—

- (a) in the heading after “pensions” there shall be added “, PPF payments or FAS payments”;
- (b) in paragraphs (1), (1A), (1B) and (2)(c) after “pension payments” there shall be inserted “, PPF payments or FAS payments”;
- (c) in paragraph (2)(c)(d) for “question.” there shall be substituted “question, and”;
- (d) after sub-paragraph (c) of paragraph (2) there shall be added the following sub-paragraph—
 - “(d) any PPF payments or FAS payments(e) which are payable to him and which arose on the death of a person who had an entitlement to such payments.”;
- (e) in paragraph (3)—
 - (i) after “pension payment” there shall be inserted “, PPF payment or FAS payment”;
 - (ii) after “weekly pension payments” there shall be inserted “, weekly PPF payments or weekly FAS payments”.

Revocation

6. Regulation 3 of the Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1992(f) is revoked.

Sealed with the Official Seal of the Department for Social Development on 10th April 2006.



John O’Neill

A senior officer of the Department for Social Development

(a) S.R. 1994 No. 485 to which there are amendments not relevant to these Regulations
(b) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358 and S.R. 1997 No. 130
(c) Paragraphs (1) and (2) were amended, and paragraphs (1A) and (1B) were inserted, by regulation 19 of S.R. 1996 No. 358
(d) Paragraph (2)(c) was substituted by regulation 5(7) of S.R. 1997 No. 130
(e) Definitions of “PPF payments” and “FAS payments” were inserted into Article 2 of the Jobseekers (Northern Ireland) Order 1995 by paragraph 2(2) of the Schedule to S.R. 2006 No. 37
(f) S.R. 1992 No. 83

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977, the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 and the Social Security (Incapacity Benefit — Increases for Dependants) Regulations (Northern Ireland) 1994 (collectively known as “the principal Regulations”). They also amend the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the 1996 Regulations”).

Regulations 2 to 4 amend the principal Regulations to allow Pension Protection Fund (“PPF”) periodic payments to be included in the calculation of entitlement to benefit in the same way as pension payments are included. Regulation 3(2) further provides for PPF payments to be disregarded where they are made to the survivor of a person entitled to such payments, in the same circumstances as pension payments would be.

Regulation 5 amends the 1996 Regulations to allow PPF payments or Financial Assistance Scheme (“FAS”) payments to be included in the calculation of entitlement to contribution-based jobseeker’s allowance in the same way as pension payments are included. It further provides for PPF payments or FAS payments to be disregarded where they are made to the survivor of a person entitled to such payments, in the same circumstances as pension payments would be.

Regulation 6 makes a consequential revocation.

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.

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