

STATUTORY RULES OF NORTHERN IRELAND

2007 No. 306

**The Social Security (Miscellaneous Amendments
No. 2) Regulations (Northern Ireland) 2007**

Amendment of the Income Support (General) Regulations

3.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(1) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “pension fund holder”(2)—

- (i) for “retirement annuity contract” substitute “an occupational pension scheme”, and
- (ii) omit “or contract”;

(b) for the definition of “personal pension scheme”(3) substitute—

““personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the Pension Schemes (Northern Ireland) Act 1993(4);
- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988(5) or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004(6);
- (c) a personal pension scheme approved under Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;”;

(c) omit the definition of “retirement annuity contract”(7); and

^{F1}(d)

(3) In regulation 38(8) (calculation of net profit of self-employed earners), in paragraphs (1)(b)(ii), (3)(c) and (9)(b) omit “a retirement annuity contract or”.

(4) In regulation 39(1)(9) (deduction of tax and contributions for self-employed earners)—

(1) S.R. 1987 No. 459; relevant amending Rules are S.R. 1992 No. 403, S.R. 1993 No. 373, S.R. 1994 No. 327, S.R. 1995 No. 367, S.R. 1998 No. 182, S.R. 1999 No. 472 (C. 36), S.R. 2001 No. 151, S.R. 2002 No. 128, S.R. 2003 No. 191, S.R. 2005 Nos. 424 and 536 and S.R. 2006 No. 97

(2) The definition of “pension fund holder” was inserted by regulation 2(2)(a) of S.R. 1995 No. 367

(3) The definition of “personal pension scheme” was inserted by regulation 4(2)(d) of S.R. 1993 No. 373 and amended by regulation 2(2)(b) of S.R. 1995 No. 367

(4) 1993 c. 49

(5) 1988 c. 1; sections 620 to 622 were repealed by section 326 and Schedule 42, Part 3 of the Finance Act 2004 (c. 12)

(6) 2004 c. 12

(7) The definition of “retirement annuity contract” was inserted by regulation 2(2)(c) of S.R. 1995 No. 367

(8) Regulation 38(1)(b)(ii), (3)(c) and (9)(b) were substituted by regulation 4(12)(a) of S.R. 1993 No. 373 and paragraphs (1)(b)(ii) and (3)(c) were also amended by regulation 2(7) of S.R. 1994 No. 327

(9) Regulation 39(1) was amended by regulation 4(7) of S.R. 1992 No. 403 and regulation 2(8) of S.R. 1994 No. 327

- (a) for “personal relief” in each place substitute “personal allowance”; and
 - (b) for “sections 8(1) and (2) and 14(1)(a) and (2) of the Income and Corporation Taxes Act 1970” substitute “section 257(1) of the Income and Corporation Taxes Act 1988”.
- (5) In regulation 39D**(10)** (deduction in respect of tax for participants in the self-employment route)—
- (a) for paragraph (1)(b) substitute—
 - “(b) the personal allowance applicable to the person receiving assistance under the self-employment route by virtue of section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) is allowable against that income.”; and
 - (b) in paragraph (2) for “personal relief” substitute “personal allowance”.
- (6) In regulation 42 (notional income)—
- (a) in paragraph (2)(g)**(11)** omit “, retirement annuity contract”;
 - (b) in paragraph (2ZA)(a)**(12)** omit “, a retirement annuity contract”;
 - (c) for paragraph (2A)**(13)** substitute—
 - “(2A) This paragraph applies where a person aged not less than 60—
 - (a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;
 - (b) fails to purchase an annuity with the funds available in that scheme; and
 - (c) either—
 - (i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder;
 - (ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or
 - (iii) income withdrawal is not available to him under that scheme.
 - (2AA) Where paragraph (2A) applies, the amount of any income foregone shall be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.”;
 - (d) in paragraph (2B)**(14)** for “to which either head (2A)(a)(i) or (ii)” substitute “where paragraph (2A)(c)(i) or (ii)”;
 - (e) in paragraph (2C)**(15)**—
 - (i) for “to which either head (2A)(a)(iii) or sub-paragraph (2A)(b)” substitute “where paragraph (2A)(c)(iii)”, and
 - (ii) omit “, or retirement annuity contract”; and
 - (f) in paragraph (8)(a)**(16)**—
 - (i) for “personal relief” in each place substitute “personal allowance”, and

(10) Regulation 39D was inserted by regulation 3(3) of [S.R. 1998 No. 182](#) and amended by regulation 14(3)(c) of [S.R. 2001 No. 151](#)

(11) Paragraph (2)(g) was added by regulation 2(4)(a) of [S.R. 1995 No. 367](#) and amended by regulation 2(3)(a) of [S.R. 2005 No. 424](#) and regulation 2(2)(a) of [S.R. 2006 No. 97](#)

(12) Paragraph (2ZA) was inserted by regulation 2(3)(b) of [S.R. 2005 No. 424](#) and amended by regulation 2(2)(b) of [S.R. 2006 No. 97](#)

(13) Paragraph (2A) was substituted by regulation 2(3)(b) of [S.R. 2005 No. 424](#)

(14) Paragraph (2B) was inserted by regulation 2(4)(b) of [S.R. 1995 No. 367](#) and amended by Article 7(2) of [S.R. 1999 No. 472 \(C. 36\)](#)

(15) Paragraph (2C) was inserted by regulation 2(4)(b) of [S.R. 1995 No. 367](#) and amended by regulation 24(2) of [S.R. 2003 No. 191](#) and regulation 2(3)(c) of [S.R. 2005 No. 424](#)

(16) Paragraph (8)(a) was amended by regulation 4(8) of [S.R. 1992 No. 403](#) and regulation 2(8) of [S.R. 1994 No. 327](#)

(ii) for “sections 8(1) and (2) and 14(1)(a) and (2) of the Income and Corporation Taxes Act 1970” substitute “section 257(1) of the Income and Corporation Taxes Act 1988”.

(7) In regulation 51(2)(d)(**17**) (notional capital) omit “or retirement annuity contract”.

(8) In Schedule 10 (capital to be disregarded) in paragraph 23A(**18**) omit “or retirement annuity contract”.

Textual Amendments

F1 Reg. 3(2)(d) revoked (5.1.2009) by The Social Security (Miscellaneous Amendments No. 7) Regulations (Northern Ireland) 2008 (S.R. 2008/498), reg. 1(1), **Sch.**

Commencement Information

I1 Reg. 3 in operation at 16.7.2007, see **reg. 1(1)**

(17) Sub-paragraph (d) was added by regulation 2(5) of S.R. 1995 No. 367
(18) Paragraph 23A was inserted by regulation 2(10)(b) of S.R. 1995 No. 367

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2007, Section 3.