
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 428

**The Social Security (Miscellaneous Amendments
No. 5) Regulations (Northern Ireland) 2008**

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(1) are amended in accordance with paragraphs (2) to (10).

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

(a) omit the definitions of—

(i) “community charge benefit”(2);

(ii) “the Independent Living Fund”(3);

(iii) “the Independent Living Funds”(4);

(iv) “the Independent Living (Extension) Fund”, and

(v) “the Independent Living (1993) Fund”;

(b) in the definition of “non-dependant deduction” for “paragraph 11” substitute “paragraph 18”;

(c) in the definition of “training allowance”(5)—

(i) for “Department of Economic Development” in each place where it occurs, substitute “Department for Employment and Learning”, and

(ii) omit “sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(6) or”; and

(d) in the definition of “youth training programme”(7) omit “sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945 or”.

^{F1}(3)

(4) In regulation 32(1)(8) (calculation of weekly amount of income)—

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- (1) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 146, 205, 274, 318 and 431, S.R. 1989 Nos. 326 and 365, S.R. 1990 Nos. 33, 131, 297 and 387, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 120, 195 and 233, S.R. 1995 Nos. 301 and 434, S.R. 1996 No. 405, S.R. 1998 Nos. 81 and 326, S.R. 1999 No. 317, S.R. 2000 Nos. 74, 241 and 242, S.R. 2001 No. 278, S.R. 2002 No. 222, S.R. 2003 No. 338, S.R. 2004 Nos. 213 and 389, S.R. 2005 Nos. 536 and 550, S.R. 2007 No. 382 and S.R. 2008 No. 286
- (2) The definition of “community charge benefit” was substituted by regulation 4(2)(a) of S.R. 1993 No. 120
- (3) The definition of “the Independent Living Fund” was inserted by regulation 4 of 1988 No. 205
- (4) The definitions of “the Independent Living Funds”, “the Independent Living (Extension) Fund” and “the Independent Living (1993) Fund” were inserted by regulation 5(2) of S.R. 1993 No. 195 and the definition of “the Independent Living Funds” was amended by Article 2(2)(a) of S.R. 2007 No. 382
- (5) The definition of “training allowance” was amended by regulation 2 of S.R. 1989 No. 326 and regulation 3(2)(a) of S.R. 1990 No. 387
- (6) 1945 c. 6 (N.I.)
- (7) The definition of “youth training programme” was inserted by regulation 2(b) of S.R. 1988 No. 274 and amended by regulation 3(2)(b) of S.R. 1990 No. 387
- (8) Paragraph (1) was amended by regulation 15(a) of S.R. 1988 No. 146 and regulation 10(a) of S.R. 1989 No. 365

- (a) after “other than earnings)” insert “and regulations 31(3) (date on which income is treated as paid)” and after “a payment” insert “of income or tax credit”; and
- (b) for sub-paragraph (b)(iii) substitute—
 - “(iii) in a case where that period is a year and the payment is an award of working tax credit, by dividing the payment by the number of days in the year and multiplying the result by 7; and
 - (iiia) in a case where that period is a year and the payment is income other than an award of working tax credit, by dividing the amount of the payment by 52;”.

(5) In—

- (a) regulation 42(4ZA)(a)(9) (notional income);
- (b) regulation 48(10)(c) (10) (income treated as capital);
- (c) regulation 51(3A)(a)(11) (notional capital);
- ^{F2}(d)
- (e) paragraph 18(8)(b)(12) of Schedule 3 (housing costs);
- (f) paragraphs 21(2)(13) and 39(1)(14) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings); and
- (g) paragraph 22(1)(15) of Schedule 10 (capital to be disregarded),

for “Funds” substitute “Fund (2006)”.

(6) In regulation 61(1)(16) (interpretation)—

- ^{F3}(a)
- (b) for the definition of “sandwich course”(17) substitute—
 - ““sandwich course” has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations (Northern Ireland) 2008(18), regulation 2(10) of the Education (Student Support) Regulations (No. 2) 2008(19) or regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007(20), as the case may be;”;
- (c) in paragraph (c) of the definition of “standard maintenance grant”(21) omit “and paid under the Further and Higher Education (Scotland) Act 1992”; and

(9) Paragraph (4ZA) was inserted by regulation 2(2)(b) of [S.R. 1998 No. 326](#)

(10) Paragraph (10) was added by regulation 10(b) of [S.R. 1988 No. 431](#); sub-paragraph (c) was amended by regulation 4(3)(b) of [S.R. 1990 No. 33](#), regulation 4(4) of [S.R. 1991 No. 204](#), regulation 5(4) of [S.R. 1992 No. 201](#) and regulation 5(3)(b) of [S.R. 1993 Nos. 195 and 233](#)

(11) Paragraph (3A) was inserted by regulation 3(2)(b) and (3)(c) of [S.R. 1998 No. 326](#); sub-paragraph (a) was amended by regulation 2(1) and (2)(b) of [S.R. 2004 No. 389](#) and regulation 2(3) of [S.R. 2005 No. 550](#)

(12) Sub-paragraph (8) was amended by regulation 2(3)(j)(iii) of [S.R. 1995 No. 434](#)

(13) Paragraph 21 was substituted by regulation 36(d) of [S.R. 1988 No. 146](#) and sub-paragraph (2) was amended by regulation 5(d) of [S.R. 1988 No. 205](#), regulation 4(3)(e) of [S.R. 1990 No. 33](#), regulation 4(7)(a) of [S.R. 1991 No. 204](#), regulation 5(7)(a) of [S.R. 1992 No. 201](#), regulation 5(3)(f) of [S.R. 1993 No. 195](#) and regulation 5(4)(a) of [S.R. 1993 No. 233](#)

(14) Paragraph 39 was substituted by regulation 4(7)(b) of [S.R. 1991 No. 204](#) and amended by regulation 5(7)(b)(i) of [S.R. 1992 No. 201](#), regulation 5(3)(f) of [S.R. 1993 No. 195](#) and regulation 5(4)(b)(i) of [S.R. 1993 No. 233](#)

(15) Paragraph 22 was substituted by regulation 4(8)(a) of [S.R. 1991 No. 204](#); sub-paragraph (1) was amended by regulation 5(8) (a)(i) of [S.R. 1992 No. 201](#), regulation 5(5)(a) of [S.R. 1993 No. 233](#), regulation 3(1) and (2)(b) of [S.R. 2004 No. 213](#) and regulation 2(5)(a)(i) of [S.R. 2005 No. 550](#)

(16) Regulation 61 was renumbered as regulation 61(1) by regulation 3(3) of [S.R. 2000 No. 241](#)

(17) The definition of “sandwich course” was substituted by regulation 2(2)(b) of [SR 2000 No. 242](#) and amended by regulation 2(1) (c) and (2)(b) of [S.R. 2002 No. 222](#)

(18) [S.R. 2008 No. 250](#)

(19) [S.I. 2008/1582](#)

(20) [S.S.I. 2007/154](#)

(21) The definition of “standard maintenance grant” was substituted by regulation 5(8)(a) of [S.R. 1996 No. 405](#), paragraph (c) was substituted by regulation 2(1)(d) of [S.R. 2001 No. 278](#)

- (d) in the definition of “student loan”(22) for “the Students’ Allowances (Scotland) Regulations 1999” substitute “the Students’ Allowances (Scotland) Regulations 2007(23)”.
- (7) In regulation 66A(24) (treatment of student loans)—
- (a) in paragraph (1) omit “unless it is a hardship loan in which case it shall be disregarded”; and
- (b) omit paragraph (1A).
- (8) In Schedule 3(25) (housing costs)—
- (a) in paragraph 4(10)(b) (housing costs not met) for “children” substitute “persons” and for “who belong to the same family as the claimant” substitute “but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible”;
- (b) in paragraph 14(3) (linking rule) omit “under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945”;
- (c) in paragraph 16(2)(1) (loans for repairs and improvements to the dwelling occupied as the home) for “children” substitute “persons” and for “who are part of the same family as the claimant” substitute “but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible”; and
- (d) for paragraph 18(7)(b) (non-dependant deductions) substitute—
- “(b) if he is in receipt of an allowance paid in connection with a youth training programme provided or arranged by the Department for Employment and Learning under section 1(1) or 3 of the Employment and Training Act (Northern Ireland) 1950(26).”.
- (9) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) omit paragraph 45(27).
- (10) In Schedule 10 (capital to be disregarded) in paragraph 29(28) omit “, the Independent Living (1993) Fund”.

Textual Amendments

- F1** Reg. 2(3) revoked (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/135\)](#), reg. 1(1), **Sch.**
- F2** Reg. 2(5)(d) revoked (25.1.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/6\)](#), reg. 1(2), **Sch. Pt. 1** (with reg. 2(2)-(4))
- F3** Reg. 2(6)(a) revoked (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/92\)](#), reg. 1(1), **Sch.**

- (22) The definition of “student loan” was substituted by regulation 3(2)(b) of [S.R. 1999 No. 317](#) and amended by regulation 2(1)(e) of [S.R. 2001 No. 278](#)
- (23) [S.S.I. 2007/153](#)
- (24) Regulation 66A was inserted by regulation 4(7) of [S.R. 1990 No. 297](#) and paragraph (1) was substituted and (1A) inserted by regulation 2(4)(a) of [S.R. 2000 No. 242](#)
- (25) Schedule 3 was substituted by regulation 2 of [S.R. 1995 No. 301](#)
- (26) [1950 c. 29 \(N.I.\)](#); section 1 was amended by Article 3 of the [Employment and Training \(Amendment\) \(Northern Ireland\) Order \(S.I. 1988/1087 \(N.I. 10\)\)](#) and Article 5 of the [Industrial Training \(Northern Ireland\) Order 1990 \(S.I. 1990/1200 \(N.I. 8\)\)](#), section 3 was amended by Article 16 of, and Part I of Schedule 4 to, the [Social Security \(Northern Ireland\) Order 1980 \(S.I. 1980/870 \(N.I. 8\)\)](#) and Article 35 of, and paragraph 1 of Schedule 3 to, the [Industrial Training \(Northern Ireland\) Order 1984 \(S.I. 1984/1159 \(N.I. 9\)\)](#)
- (27) Paragraph 45 was added by regulation 20(e) of [S.R. 1990 No. 131](#)
- (28) Paragraph 29 was added by regulation 25 of [S.R. 1988 No. 318](#) and amended by regulation 4(4) of [S.R. 1990 No. 33](#), regulation 5(8)(b) of [S.R. 1992 No. 201](#), regulation 5(4) of [S.R. 1993 No. 195](#) and Article 2(3) of [S.R. 2007 No. 382](#)

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 5) Regulations (Northern Ireland) 2008, Section 2. (See end of Document for details)

Commencement Information

II Reg. 2 in operation at 17.11.2008, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 5) Regulations (Northern Ireland) 2008, Section 2.