

**2009 No. 261**

**HOUSING; RATES; SOCIAL SECURITY**

**The Social Security (Students and Miscellaneous Amendments)  
Regulations (Northern Ireland) 2009**

*Made* - - - -

*7th July 2009*

*Coming into operation in accordance with regulation 1*

The Department for Social Development makes the following Regulations 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), Articles 6(5), 14(1) and 4(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), and sections 17(1) and (3)(b) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(d).

Regulation 2(1), (2) and (3)(c) is made with the consent of the Department of Finance and Personnel(e).

The Social Security Advisory Committee has agreed that proposals in respect of regulation 2(1), (2) and (3)(c) should not be referred to it(f).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security (Students and Miscellaneous Amendments) Regulations (Northern Ireland) 2009 and, subject to paragraph (2), shall come into operation on 1st August 2009.

(2) Regulations 2 and 4(a) and (c) shall come into operation—

- (a) in the case of a person whose period of study begins on or after 1 August 2009 but before 1st September 2009, on the day the period of study begins; and
- (b) in any other case, on 1st September 2009.

(3) In these regulations—

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(g);

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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) 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) 2007 c. 2 (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 section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
  - (g) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 297, S.R. 1999 No. 317, S.R. 2001 No. 278, S.R. 2007 No. 298 and S.R. 2008 No. 262

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(a);

“the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006(b);

“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations (Northern Ireland) 2008(c);

“period of study”(d) for the purposes of paragraph (2) has the same meaning as in regulation 61 of the Income Support Regulations.

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

### **Amendments in relation to the calculation of grant income**

2.—(1) In sub-paragraph (a) of each of the provisions specified in paragraph (3) for “£295” substitute “£303”.

(2) In sub-paragraph (b) of each of the provisions specified in paragraph (3) for “£380” substitute “£390”.

(3) The provisions specified for the purposes of paragraphs (1) and (2) (which relate respectively to sums to be disregarded from the calculation of grant income and from student loans) are—

- (a) regulations 62(2A)(f) and 66A(5)(g) of the Income Support Regulations;
- (b) regulations 131(3)(h) and 136(5)(i) of the Jobseeker’s Allowance Regulations;
- (c) regulations 56(3)(j) and 61(5)(b)(k) of the Housing Benefit Regulations; and
- (d) regulations 132(3)(l) and 137(6)(m) of the Employment and Support Allowance Regulations.

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

3. In column 1 of paragraph 1(3)(f) of Schedule 1 to the Jobseeker’s Allowance Regulations(n) (applicable amounts)—

- (a) at the end of sub-paragraph (ii) for “and” substitute “or”; and
- (b) for sub-paragraph (iii) substitute—

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(a) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1999 No. 317, S.R. 2001 No. 278, S.R. 2002 No. 222, S.R. 2007 No. 298 and S.R. 2008 Nos. 112, 262 and S.R. 2009 No. 89

(b) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2007 No. 298 and S.R. 2008 No. 262

(c) S.R. 2008 No. 280; relevant amending Regulation is S.R. 2008. No. 413

(d) The definition of “period of study” was amended by regulation 8(b) of S.R. 1991 No. 338 and regulation 2(2)(c) of S.R. 2000 No. 242

(e) 1954 c. 33 (N.I.)

(f) Paragraph (2A) was substituted by regulation 3(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3)(b) of S.R. 2001 No. 278, regulation 2(2) of S.R. 2007 No. 298 and regulation 2(3) of S.R. 2008 No. 262

(g) Regulation 66A was inserted by regulation 4(7) of S.R. 1990 No. 297 and paragraphs (3), (4) and (5) were substituted for paragraph (3) by regulation 3(5)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3)(b) of S.R. 2001 No. 278, regulation 2(3) of S.R. 2007 No. 298 and regulation 2(4) of S.R. 2008 No. 262

(h) Paragraph (3) was substituted by regulation 2(3)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and (3)(c) of S.R. 2001 No. 278, regulation 3(2) of S.R. 2007 No. 298 and regulation 4 (3) of S.R. 2008 No. 262

(i) Paragraphs (3), (4) and (5) were substituted by regulation 2(5)(b) of S.R. 1999 No. 317 and amended by regulation 3(2) and 3(c) of S.R. 2001 No. 278, regulation 3(3) of S.R. 2007 No. 298 and regulation 4(4) of S.R. 2008 No. 262

(j) Regulation 56(3) was amended by regulation 4(2) of S.R. 2007 No. 298 and regulation 5(3) of S.R. 2008 No. 262

(k) Regulation 61(5) was amended by regulation 4(3) of S.R. 2007 No. 298 and regulation 5(4) of S.R. 2008 No. 262

(l) Regulation 132(3) was amended by regulation 3(23) of S.R. 2008 No. 413

(m) Regulation 137(6) was amended by regulation 3(24) of S.R. 2008 No. 413

(n) Column 1 of paragraph 1(3)(f) was amended by regulation 4(13)(b) of S.R.2008 No. 112 and substituted sub-head (iii) was amended by regulation 19(24)(b) of S.R. 2008 No. 286; the amounts in column 2 of paragraph 1(3)(f) were substituted by Article 22(3) of S.R. 2009 No. 89

- “(iii) satisfies requirements for entitlement to income support or would do so if he were not a member of a couple other than the requirement to make a claim for it; or
- (iv) satisfies requirements for entitlement to an income-related employment and support allowance other than the requirement to make a claim for it;”.

**Revocations**

4. The following regulations are revoked—

- (a) regulations 2(3) and (4), 4(3) and (4) and 5(3) and (4) of the Social Security (Students and Miscellaneous Amendments) Regulations (Northern Ireland) 2008(a);
- (b) regulation 19(24)(b) of the Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008(b); and
- (c) regulation 3(23) and (24) of the Employment and Support Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2008(c).

Sealed with the Official Seal of the Department for Social Development on 7th July 2009

(L.S.)

*Anne McCleary*

A senior officer of the Department for Social Development

The Department of Finance and Personnel consents to regulation 2(1), (2) and (3)(c).

Sealed with the Official Seal of the Department of Finance and Personnel on 8th July 2009

(L.S.)

*Adrian Arbuthnot*

A senior officer of the Department of Finance and Personnel

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(a) S.R. 2008 No. 262  
(b) S.R. 2008 No. 286  
(c) S.R. 2008 No. 413

## EXPLANATORY NOTE

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

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (Jobseeker's Allowance Regulations), the Housing Benefit Regulations (Northern Ireland) 2006 and the Employment and Support Allowance Regulations (Northern Ireland) 2008.

Regulation 2 increases the amounts of grant and loan income to be disregarded in respect of travel costs and the costs of books and equipment.

Regulation 3 amends the Jobseeker's Allowance Regulations so that couples, where one member is aged 18 or over and the other member is aged under 18, are entitled to same amount of personal allowance as a couple in similar circumstances claiming Income Support.

Regulation 4 makes consequential revocations.

In so far as these Regulations are required, for the purposes of regulation 2(1), (2) and (3)(c), to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they 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, that Act, are not subject to the requirement of section 149(2) for prior reference to the Social Security Advisory Committee.

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