
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 338

**The Social Security (Miscellaneous Amendments
No. 4) Regulations (Northern Ireland) 2009**

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987 are amended in accordance with paragraphs (2) to (16).

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

(a) after the definition of “polygamous marriage”⁽¹⁾ insert—

““public authority” has the meaning given in section 75(3) of the Northern Ireland Act 1998⁽²⁾”; and

^{F1}(b)

(3) In regulation 13 (circumstances in which persons in relevant education are to be entitled to income support) omit paragraph (3)(b)(ii)⁽³⁾.

(4) In the headings to regulations 25 (child maintenance or liable relative payments), 55 (treatment of child maintenance or liable relative payments), 58 (calculation of the weekly amount of a child maintenance or liable relative payment) and 59⁽⁴⁾ (date on which a child maintenance or liable relative payment is to be treated as paid) omit “child maintenance or”.

(5) In regulation 25⁽⁵⁾ and the heading to Chapter VII of Part V⁽⁶⁾ (child maintenance and liable relative payments) omit “child maintenance and”.

(6) After regulation 35(2)(e)⁽⁷⁾ (earnings of employed earners) add—

“(f) any payment in respect of expenses arising out of the claimant’s participation in a service user group.”

^{F2}(7)

(8) In regulation 42 (notional income)—

(a) after paragraph (2)(g)⁽⁸⁾ insert—

“(ga) any sum to which paragraph (8ZA) applies;” and

(b) after paragraph (8)⁽⁹⁾ add—

“(8ZA) Paragraphs (1), (2), (3), (4), (5) and (6) shall not apply in respect of a payment of income other than earnings, or earnings derived from employment as an employed earner, arising out of the claimant’s participation in a service user group.”

(1) The definition of “polygamous marriage” was substituted by regulation 2(c) of S.R. 1998 No. 431
(2) 1998 c. 47
(3) Paragraph 3(b)(ii) was amended by regulation 2(3) of S.R. 2008 No. 498
(4) The headings to regulations 25, 55, 58 and 59 were amended by regulation 2(2) of S.R. 2008 No. 406
(5) Regulation 25 was amended by paragraph 7 of Schedule 1 to S.R. 2003 No. 195 and regulation 2(3) of S.R. 2008 No. 406
(6) The heading to Chapter VII was substituted by regulation 2(5) of S.R. 2008 No. 406
(7) Regulation 35(2)(e) was added by regulation 4(a) of S.R. 1997 No. 130
(8) 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, regulation 2(2)(a) of S.R. 2006 No. 97 and regulation 3(6)(a) of S.R. 2007 No. 306
(9) Paragraph (8) has amendments which are not relevant to these Regulations

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(9) In regulation 54 (interpretation)—

(a) omit the definition of “child maintenance”(10);

(b) in the definition of “payment”(11)—

(i) in paragraph (e)(i) for “family” substitute “partner or is made or derived from a person falling within paragraph (d) of the definition of liable relative”, and

(ii) after paragraph (h) insert—

“(i) to which paragraph 69 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) applies.”; and

(c) in paragraph (c) of the definition of “periodical payment”(12) omit “, after the appropriate disregard under paragraph 69 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings) has been applied to it.”.

(10) In regulation 55(13) (treatment of child maintenance or liable relative payments) omit “and paragraph 69 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)”.

(11) In regulation 57(14) (period over which payments other than periodical payments are to be taken into account)—

(a) in paragraph (3) omit sub-paragraph (b) and the preceding “and”; and

(b) in paragraph (10) omit “and, where applicable, the maximum disregard under paragraph 69 of Schedule 9”.

(12) In regulation 61(1) (interpretation) in the definition of “access funds”(15)—

(a) in paragraph (b) for “7” substitute “68”; and

(b) omit “and described as “learner support funds” or grants made under section 68 of that Act”.

(13) In Schedule 1B(16) (prescribed categories of person)—

(a) after paragraph 2 insert—

“Single persons looking after children placed with them prior to adoption

2A. A single claimant or a lone parent with whom a child is placed for adoption pursuant to a decision under the Adoption Agencies Regulations (Northern Ireland) 1989(17).”; and

^{F3}(b)

(14) In Schedule 3(18) (housing costs)—

(a) after paragraph 3(13)(b) (circumstances in which a person is to be treated as occupying a dwelling as his home) insert—

(10) The definition of “child maintenance” was inserted by regulation 2(6)(a) of S.R. 2008 No. 406
(11) The definition of “payment” was amended by paragraph 14 of Schedule 1 to S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies), paragraph 12(4)(b) of Schedule 3 to S.R. 2005 No. 536 and regulation 2(6)(e) of S.R. 2008 No. 406
(12) Paragraph (c) was amended by regulation 2(6)(f)(ii) of S.R. 2008 No. 406
(13) Regulation 55 was amended by regulation 6(2) of S.R. 1996 No. 202 and regulation 2(7) of S.R. 2008 No. 406
(14) Regulation 57 was substituted by regulation 2(8) of S.R. 2008 No. 406
(15) The definition of “access funds” was inserted by regulation 2(2)(a) of S.R. 2000 No. 242 and paragraph (b) was amended by regulation 2(1)(b)(i) of S.R. 2001 No. 278
(16) Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199
(17) S.R. 1989 No. 253
(18) Schedule 3 was substituted by regulation 2 of S.R. 1995 No. 301

“(ba) “period of study” has the meaning given in regulation 61(1) (interpretation);”;
and

F4(b)

(15) In Schedule 8 (sums to be disregarded in the calculation of earnings)—

(a) in paragraphs 1(1)(b)(19) for “regulation 35(1)(e) or (i) (in so far as it applies to regulation 35(1)(e))” substitute “sub-paragraph (2)(a) or (b)(ii)”;

(b) for paragraph 1(2)(a) substitute—

“(a) any payment of the nature described in—

(i) regulation 35(1)(e) or (i) (in so far as it applies to regulation 35(1)(e)), or

(ii) Article 60, 96 or 100 of the Employment Rights (Northern Ireland) Order 1996(20) (guarantee payments, suspension from work on medical or maternity grounds); and”;

(c) in paragraph 2(1) for “regulation 35(1)(e) or (i) (in so far as it applies to regulation 35(1)(e))” substitute “paragraph 1(2)(a) or (b)(ii)”.

(16) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) after paragraph 2(21) insert—

“2A. Any payment in respect of expenses arising out of the claimant’s participation in a service user group.”;

(b) in paragraph 16(cc)(22)—

(i) for “payment under the Armed Forces Pension Scheme 1975 or the Armed Forces Pension Scheme 2005” substitute “pension or payment falling within Article 31(1) (a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(23)”;

(ii) for “the pension payable under either of those schemes” substitute “that pension or payment”, and

(iii) for “aggregate with the” substitute “aggregate with any”;

(c) before paragraph 25(1)(e)(24) insert—

“(da) which is a payment made by a local authority in Scotland in pursuance of section 50 of the Children Act 1975(25) (payments towards maintenance of children);”;

(d) for paragraph 69(26) substitute—

“69.—(1) Any payment of child maintenance made or derived from a liable relative where the child or young person in respect of whom the payment is made is a member of the claimant’s family, except where the person making the payment is the claimant or the claimant’s partner.

(19) Paragraphs 1 and 2 were substituted by regulation 4 (11) of [S.R. 2007 No. 396](#)

(20) [S.I. 1996/1919 \(N.I. 16\)](#)

(21) Paragraph 2 was amended by regulation 2(12)(a) of [S.R. 1995 No. 86](#) and regulations 2(1) and (2)(a) of [S.R. 2001 No. 258](#)

(22) Sub-paragraph (cc) was inserted by regulation 2(8)(a) of [S.R. 2005 No. 98](#) and amended by regulation 2(6)(d)(ii) of [S.R. 2008 No. 498](#)

(23) [S.I. 2005/439](#)

(24) Sub-paragraph (1) was substituted by regulation 4 of [S.R. 1989 No. 366](#), head (e) was amended by regulation 3(1) and (2)(a) of [S.R. 1997 No. 331](#) and head (d) was omitted by regulation 2(6)(e)(ii) of [S.R. 2008 No. 498](#)

(25) [1975 c. 72](#). The Children Act 1975 was repealed by the Children Act 1989 ([c. 41](#)), except as saved by Schedule 14 of the Children Act 1989

(26) Paragraph 69 was substituted by regulation 2 of [S.R. 2004 No. 16](#) and amended by regulation 2(9) of [S.R. 2008 No. 406](#)

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(2) In paragraph (1)—

“child maintenance” means any payment towards the maintenance of a child or young person, including any payment made voluntarily and payments made under—

- (a) the Child Support (Northern Ireland) Order 1991⁽²⁷⁾;
- (b) the Child Support Act 1991⁽²⁸⁾;
- (c) a court order;
- (d) a consent order;
- (e) a maintenance agreement registered for execution in the Books of Council and Session or the sheriff court books; and

“liable relative” has the meaning given in regulation 54 (interpretation), other than a person falling within paragraph (d) of that definition.”.

Textual Amendments

- F1** Reg. 2(2)(b) revoked (28.4.2014) by The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2014 (S.R. 2014/105), regs. 1(1), **9**
- F2** Reg. 2(7) revoked (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2011 (S.R. 2011/135), reg. 1(1), **Sch.**
- F3** Reg. 2(13)(b) revoked (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2012 (S.R. 2012/121), reg. 1(1), **Sch.**
- F4** Reg. 2(14)(b) revoked (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2011 (S.R. 2011/135), reg. 1(1), **Sch.**

Commencement Information

- I1** Reg. 2(1)(3)(7)(12)(13)(14)(a) in operation at 26.10.2009, see **reg. 1(1)**
- I2** Reg. 2(2)(6)(8)(15)(16)(a)-(c) comes into operation in accordance with reg. 1(2)(a)
- I3** Reg. 2(4)(5)(9)-(11)(14)(b)(16)(d) comes into operation in accordance with reg. 1(5)(a)

⁽²⁷⁾ S.I. 1991/2628 (N.I. 23)

⁽²⁸⁾ 1991 c. 48

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Changes and effects yet to be applied to :

- reg. 2(7) revoked by [S.R. 2011/135 Sch.](#)
- reg. 2(14)(b) revoked by [S.R. 2011/135 Sch.](#)