
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

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

the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”);

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

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

the Housing Benefit Regulations (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit State Pension Credit Regulations”);

the State Pension Credit Regulations (Northern Ireland) 2003 (the State Pension Credit Regulations), and

the Employment and Support Allowance Regulations (Northern Ireland) 2008, (“the Employment and Support Allowance Regulations”).

Regulation 2 amends the Income Support Regulations to—

remove a reference to residential care and nursing home charges which are no longer made by the Department; and

clarify that a person will fall within the prescribed category of persons who can claim income support when they are temporarily looking after a child because of the “temporary” illness of the usual carer.

Regulation 3 amends paragraph 6 of Schedule 8B to the Claims and Payments Regulations by increasing from £0.47 to £0.55 the fee which qualifying lenders pay for the purpose of defraying administrative expenses incurred by the Department for Social Development in making payments in respect of mortgage interest direct to those lenders.

Regulations 2, 4, 6 and 7 amend the Income Support Regulations, the Jobseeker’s Allowance Regulations, the Housing Benefit Regulations and the Housing Benefit State Pension Credit Regulations so as to remove obsolete references to “starting rate” of taxation, and where appropriate to replace it with reference to “basic rate”.

Regulations 2, 4, 6, and 8 amend the Income Support Regulations, the Jobseeker’s Allowance Regulations, the Housing Benefit Regulations and the Employment and Support Allowance Regulations to:

amend the definition of “contribution” to include, where appropriate, the income of a parent’s partner to the list of persons who may be considered as eligible to make a financial contribution to a student; and

provide for a disregard for the payment of the higher education bursary for care leavers when calculating student grant income.

Regulation 2 and 6 amend the Income Support Regulations and the Housing Benefit Regulations to change the eligibility criteria for these benefits for students in full-time, non-advanced education.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009. (See end of Document for details)

Regulations 2 and 4 to 8 amend the Income Support Regulations, the Jobseeker's Allowance Regulations, the State Pension Credit Regulations, the Housing Benefit Regulations, the Housing Benefit State Pension Credit Regulations and the Employment and Support Allowance Regulations to—

- add references to design, patent and trade mark rights to the provisions relating to the treatment of royalties payments; and

- add a reference to foreign public lending right scheme payments in provisions relating to the treatment of United Kingdom public lending scheme payments.

Regulations 2, 4 and 6 to 8 provide that the health in pregnancy grant is disregarded when assessing the capital of a claimant or a claimant's partner.

Regulation 4 amends the Jobseeker's Allowance Regulations to remove a provision that treated someone who worked on an annual contract at an educational establishment, but not during the summer holiday period, as being in paid employment for the whole year.

Regulations 6 and 7 amend the Housing Benefit Regulations and the Housing Benefit State Pension Credit Regulations, clarifying that entitlement to those benefits will include certain people who qualify for income support, an income-based jobseeker's allowance, an income-related employment and support allowance or a combination of those benefits.

Regulation 6 amends the Housing Benefit Regulations to—

- change the definition for "period of study" to align it with the provisions of other income related benefit legislation;

- remove obsolete provisions relating to free school meals and school meals grants;

- align the category of a "severely disabled claimant" for the purposes of calculating applicable amounts with that used across other income related benefits legislation;

- extend the definition of "main phase employment and support allowance" to provide that a person aged less than 25 who qualifies for main phase employment and support allowance but has a nil award because of insufficient National Insurance contributions, will get the over 25 rate basic rate of housing benefit; and

- ensure that the provisions for awarding an additional amount appropriate to lone parents will also apply to a lone parent who is claiming employment and support allowance.

Regulation 7 amends the Housing Benefit State Pension Credit Regulations to ensure that the treatment of a royalties payment is restricted to specified circumstances, so that the treatment is consistent with other income related-benefits legislation. It also corrects an omission to ensure that a housing benefit claimant aged 60 or over who qualifies for main phase employment and support allowance but has a nil award because of insufficient National Insurance contributions, is entitled to the £20 weekly earnings disregard, as is the case for a counterpart actually receiving contribution-based employment and support allowance.

Regulation 8 amends the Employment and Support Allowance Regulations to—

- provide that payment of working tax credit during the last 4 week period of eligibility for those credits is disregarded when assessing eligibility to employment and support allowance; and

- clarify how working tax credit paid during a year should be calculated.

In so far as these Regulations are required, for the purposes of regulations 6 and 7, 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

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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.

Changes to legislation:

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