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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 92**

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

**Amendment of the Housing Benefit Regulations**

6.—(1) The Housing Benefit Regulations (Northern Ireland) 2006 are amended in accordance with paragraphs (2) to (11).

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

(a) after the definition of “attendance allowance” insert—

““basic rate”, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007(1) (see section 989 of that Act);”;

(b) in the definition of “main phase employment and support allowance”(2) after “Act” insert “except in Part I of Schedule 4”; and

(c) omit the definition of “starting rate”(3).

(3) In regulation 33(6)(a)(4) (calculation of net earnings of employed earners), regulation 36(1)(5) (deduction of tax and contributions of self-employed earners) and regulation 39(12)(a)(6) (notional income)—

(a) omit “the starting rate or, as the case may be, the starting rate and”; and

(b) “starting rate” substitute “basic rate”.

(4) In regulation 34 (earnings of self-employed earners) for paragraph (3)(7) substitute—

“(3) This paragraph applies to—

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or

(b) any payment in respect of any—

(i) book registered under the Public Lending Right Scheme 1982(8), or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the claimant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.”.

(5) In regulation 50(1) (interpretation)—

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(1) 2007 c. 3

(2) The definition of “main phase employment and support allowance” was inserted by regulation 3(2)(a)(viii) of S.R. 2008 No. 378

(3) The definition of “starting rate” was inserted by regulation 9(2)(b) of S.R. 2007 No. 396

(4) Regulation 33(6)(a) was amended by regulation 9(5) of S.R. 2007 No. 396

(5) Regulation 36(1) was amended by regulation 9(6) of S.R. 2007 No. 396

(6) Regulation 39(12)(a) was amended by regulation 9(7)(c) of S.R. 2007 No. 396

(7) Paragraphs (3) and (4) were added by regulation 6(3) of S.R. 2008 No. 112

(8) The Scheme is set out in the appendix to S.I. 1982/719

*Status: Point in time view as at 06/04/2009. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2009, Section 6. (See end of Document for details)*

- (a) for the definition of “contribution”<sup>(9)</sup> substitute—
- ““contribution” means—
- (a) any contribution in respect of the income of a student or any person which the Department, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- (b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder’s expenses—
- (i) the holder of the allowance or bursary;
- (ii) the holder’s parents;
- (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he were the spouse or civil partner of that parent, or
- (iv) the holder’s spouse or civil partner;”;
- (b) in the definition of “period of study”—
- (i) for paragraph (b)(i) substitute—
- “(i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one, or”;
- (ii) in paragraph (b)(ii) for “recognised” substitute “normal”.
- (6) In regulation 53 (full-time students to be treated as not liable to make payments in respect of a dwelling)—
- (a) in paragraph (2)(h)(i) for “19” substitute “21”; and
- (b) after paragraph (2) insert—
- “(2A) For the purposes of paragraph (2)(h)(i) the student must have begun the course before attaining the age of 19.”.
- (7) In regulation 56(2) (calculation of grant income) after sub-paragraph (h) add—
- “(i) of higher education bursary for care leavers made under Part III of the Children Act 1989<sup>(10)</sup>.”.
- (8) In regulation 60 (other amounts to be disregarded) omit paragraph (2)<sup>(11)</sup>.
- (9) In Schedule 4 (applicable amounts)—
- (a) after paragraph 1<sup>(12)</sup> insert—
- “**1A.** In paragraph 1 a claimant is entitled to main phase employment and support allowance if he personally satisfies paragraph 21<sup>(13)</sup> of this Schedule.”;
- (b) in paragraph 3(4)—

<sup>(9)</sup> The definition of “contribution” was amended by regulation 6(4)(a) of [S.R. 2008 No. 428](#)

<sup>(10)</sup> [1989 c. 41](#); Provision relating to higher education bursaries for care leavers was inserted into the Children Act 1989 by the Children and Young Persons Act 2008 (c. 23)

<sup>(11)</sup> Paragraph (2) was amended by regulation 3(7) of [S.R. 2008 No. 179](#)

<sup>(12)</sup> Paragraph 1 was amended by Article 19(5) of, and Schedule 6 to, [S.R. 2009 No. 89](#)

<sup>(13)</sup> Paragraph 21 was added by regulation 3(17)(d) of [S.R. 2008 No. 378](#)

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- (i) in head (c) for “continued to be entitled to one or other of those benefits” substitute “continuously, since that date, been entitled to income support, an income-based jobseeker’s allowance or an income-related employment and support allowance or a combination of those benefits”;
  - (ii) in head (d) for “either of those benefits” substitute “income support, an income-based jobseeker’s allowance or an income-related employment and support allowance”, and
  - (iii) in head (e)(14) after “12” insert “or a component under paragraph 23 or 24”; and
  - (c) in paragraph 14(2)(b) for “and either a person is entitled to or” substitute “and either a person is entitled to and”.
- (10) In Schedule 5 (sums to be disregarded in the calculation of earnings)—
- (a) after paragraph 2(15) insert—

“**2A.** In the case of a claimant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Northern Ireland would have been so engaged and who has ceased to be so employed, from the date of the cessation of his employment any earnings derived from that employment except earnings to which regulation 34(3) and (4) applies.”; and
  - (b) in paragraph 17(2)(b)(iv)(bb)(16) for “conditions for the,” substitute “conditions for”.
- (11) In Schedule 7 (capital to be disregarded) after paragraph 42(17) insert—
- “**42A.** Any payment made under Part 8A of the Act(18) (entitlement to health in pregnancy grant).”;

#### Commencement Information

- I1** Reg. 6(2)(b)(9)(a)(b) in operation at 1.4.2009 in so far as not already in operation, see [reg. 1\(4\)\(b\)](#)
- I2** Reg. 6(2)(b)(9)(a)(b) in operation at 6.4.2009 for specified purposes, see [reg. 1\(4\)\(a\)](#)
- I3** [Reg. 6\(1\)\(2\)\(a\)\(c\)\(3\), \(5\)-\(8\), \(9\)\(c\)\(10\)](#) in operation at 6.4.2009, see [reg. 1\(1\)](#)
- I4** [Reg. 6\(4\)\(11\)](#) coming into operation in accordance with [reg. 1\(3\)](#)

(14) Head (e) was amended by regulation 3(8)(a) of [S.R. 2008 No. 179](#)

(15) Paragraph (2) was amended by regulation 9(11)(b) of [S.R. 2007 No. 396](#)

(16) Paragraph (bb) was amended by regulation 3(9)(b)(ii) of [S.R. 2008 No. 179](#) and regulation 3(18)(c)(ii) of [S.R. 2008 No. 378](#)

(17) Paragraph 42 was substituted by regulation 5(6)(c) of [S.R. 2008 No. 498](#)

(18) See section 136A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by section 134 of the Health and Social Care Act 2008 (c. 14)

**Status:**

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**Changes to legislation:**

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