

2010 No. 8

HOUSING; RATES

**The Housing Benefit (War Pension Disregards Amendment)
Regulations (Northern Ireland) 2010**

Made - - - - - *20th January 2010*

Coming into operation - - - - - *26th January 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 132(4)(b) and 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and now vested in it(b).

The Regulations are made with the consent of the Department of Finance and Personnel(c).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(d).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (War Pension Disregards Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 26th January 2010.

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

Amendment of the Housing Benefit Regulations

2. In paragraph 15 of Schedule 6 to the Housing Benefit Regulations (Northern Ireland) 2006(f) (sums to be disregarded in the calculation of income other than earnings) after sub-paragraph (b) insert—

“(ba) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under—

(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(b) See Article 8(b) of S.R. 1999 No. 481
(c) 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
(d) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(e) 1954 c. 33 (N.I.)
(f) S.R. 2006 No. 405; paragraph 15 of Schedule 6 was amended by regulation 5(5)(a) of S.R. 2008 No. 498 and regulation 6(6)(b) of S.R. 2009 No. 338

- (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865^(a);
 - (ii) the Army Pensions Warrant 1977^(b);
 - (iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917^(c);
 - (iv) any order or regulations made under section 4 of the Reserve Forces Act 1996^(d), or
 - (v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);
- (bb) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under any power of Her Majesty otherwise than under any statutory provision to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (bc) a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under—
- (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865;
 - (ii) the Army Pensions Warrant 1977;
 - (iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917;
 - (iv) any order or regulations made under section 4 of the Reserve Forces Act 1996, or
 - (v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

3. In paragraph 1 of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006^(e) (amounts to be disregarded in the calculation of income other than earnings) after sub-paragraph (b) insert—

- “(ba) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under—
- (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865;
 - (ii) the Army Pensions Warrant 1977;
 - (iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917;
 - (iv) any order or regulations made under section 4 of the Reserve Forces Act 1996, or
 - (v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);

(a) 1865 c. 73; section 3 was amended by section 4 of the Armed Forces (Pension and Compensation) Act 2004 (c. 32) and paragraph 2 of Schedule 16 to the Armed Forces Act 2006 (c. 52)

(b) Army Code No. 13045 published by TSO

(c) 1917 c. 51; section 2 was amended by paragraph 13 of Schedule 16 to the Armed Forces Act 2006

(d) 1996 c. 14; section 4 was amended by paragraph 26 of Schedule 14 to the Armed Forces Act 2006

(e) S.R. 2006 No. 406; paragraph 1 of Schedule 6 was amended by regulation 6(6)(a) of S.R. 2008 No. 498 and regulation 7(5) of S.R. 2009 No. 338

- (bb) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under any power of Her Majesty otherwise than under any statutory provision to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- (bc) a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under—
 - (i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865;
 - (ii) the Army Pensions Warrant 1977;
 - (iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917;
 - (iv) any order or regulations made under section 4 of the Reserve Forces Act 1996, or
 - (v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);”.

Sealed with the Official Seal of the Department for Social Development on 20th January 2010

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 21st January 2010

(L.S.)

Jack Layberry
A senior officer of the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

Regulation 2 amends paragraph 15 of Schedule 6 to the Housing Benefit Regulations (Northern Ireland) 2006 to add certain service attributable pensions to the list of war pensions which are disregarded as income for housing benefit purposes. This corrects the erroneous removal of such a disregard by the Social Security (Miscellaneous Amendments No. 7) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 498).

Regulation 3 makes an equivalent amendment to paragraph 1 of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006.

© Crown Copyright 2010

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Northern Ireland Assembly.

£4.00

Dd. N4254. C1. 1/10. Gp. 130. 14567.