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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 135**

**The Social Security (Miscellaneous Amendments)  
Regulations (Northern Ireland) 2011**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2011 and, subject to paragraphs (2) and (3), shall come into operation on 11th April 2011.

(2) This regulation and regulations 12 and 13 shall come into operation on 4th April 2011 in relation to any case where rent is payable at intervals of a week, or any multiple of whole weeks, and in any other case on 1st April 2011.

(3) Regulations 3(6) and (7)(a), 7(7) and (8)(c), 10, 14(10)(a), (11) and (12), so far as they relate to a particular claimant, shall come into operation on the first day of the first benefit week to commence for that claimant on or after 11th April 2011.

(4) In this regulation “benefit week” has the same meaning—

- (a) for income support, as in regulation 2(1) (interpretation) of the Income Support (General) Regulations (Northern Ireland) 1987(1);
- (b) for jobseeker’s allowance, as in regulation 1(2) (citation, commencement and interpretation) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(2); and
- (c) for employment and support allowance, as in regulation 2(1) (interpretation) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(3).

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

**Amendment of the Social Security (General Benefit) Regulations**

2. For regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(5) (earnings level for the purpose of unemployability supplement under section 58) substitute—

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- (1) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 146 and 431, S.R. 1989 No. 365, S.R. 1997 No. 541, S.R. 1998 No. 81, S.R. 1999 No. 472 (C. 36), S.R. 2000 No. 367, S.R. 2001 No. 29, S.R. 2003 Nos. 195 and 338, S.R. 2005 No. 536, S.R. 2007 No. 154, S.R. 2008 Nos. 112, 406, 428 and 503, and S.R. 2009 No. 338
  - (2) S.R. 1996 No. 198; the definition of “benefit week” was substituted by regulation 3 of S.R. 2009 No. 107, other relevant amending Rules are S.R. 1997 No. 130, S.R. 1998 No. 81, S.R. 1999 No. 428 (C. 32), S.R. 2000 Nos. 350 and 367, S.R. 2001 No. 29, S.R. 2003 Nos. 195 and 338, S.R. 2005 No. 536, S.R. 2007 No. 154, S.R. 2008 Nos. 286, 406, 428, and 503, S.R. 2009 No. 338 and S.R. 2010 Nos. 103 and 347
  - (3) S.R. 2008 No. 280; relevant amending Rules are S.R. 2009 Nos. 92 and 338, S.R. 2010 Nos. 200, 311 and 347
  - (4) 1954 c. 33 (N.I.)
  - (5) S. R. 1984 No. 92; regulation 14 was amended by regulation 2 of S.R. 2010 No. 311

**“Earnings level for the purpose of unemployment supplement under section 58**

**14.—(1)** For the purpose of section 58(3) (earnings level that does not disqualify for unemployment supplement) the prescribed amount of earnings in a year is determined as follows—

- (a) multiply the national minimum wage by 16;
- (b) where the amount determined by the calculation in sub-paragraph (a) would, but for this sub-paragraph, include an amount of—
  - (i) less than 50p, the amount determined under sub-paragraph (a) shall be rounded up to the nearest 50p, or
  - (ii) less than £1 but more than 50p, the amount determined under sub-paragraph (a) shall be rounded up to the nearest £1; and
- (c) multiply the amount resulting from sub-paragraph (a) or (b) by 52.

(2) In this regulation “national minimum wage” means the rate of the national minimum wage specified in regulation 11 of the National Minimum Wage Regulations 1999(6) (rate of the national minimum wage).”.

**Amendment of the Income Support (General) Regulations**

**3.—(1)** The Income Support (General) Regulations (Northern Ireland) 1987 are amended in accordance with paragraphs (2) to (7).

(2) In regulation 31 (date on which income is treated as paid)—

- (a) in paragraph (1)(7) for “paragraphs (2) to (4) apply” substitute “paragraph (2) applies”; and
- (b) omit paragraphs (3)(8) and (4)(9).

(3) In regulation 32(1)(10) (calculation of weekly amount of income) omit “and regulations 31(3) (date on which income is treated as paid)”.

(4) In regulation 40(1)(11) (calculation of income other than earnings) omit “and regulation 31(3) and (4) (date on which income is treated as paid)”.

(5) In regulation 54 (interpretation) in head (ii) of paragraph (e) of the definition of “payment”(12) after “rent” insert “or rates”.

(6) In Schedule 2 (applicable amounts)—

- (a) in paragraph 13A(13) (enhanced disability premium) after sub-paragraph (1) insert—

“(1A) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the claimant is entitled to child benefit in respect of that person under section 141A of the Contributions and Benefits Act(14) (entitlement after death of child or qualifying young person).”; and

(6) S.I. 1999/584; regulation 11 was amended by regulation 3 of S.I. 2010/1901

(7) Paragraph (1) was amended by regulation 2(3)(a) of S.R. 2008 No. 428

(8) Paragraph (3) was substituted by regulation 2(2) of S.R. 2003 No. 338 and amended by regulation 2(3)(b) of S.R. 2008 No. 428

(9) Paragraph (4) was added by regulation 2(3)(c) of S.R. 2008 No. 428

(10) Regulation 32(1) was amended by regulation 15(a) of S.R. 1988 No. 146, regulation 10(a) of S.R. 1989 No. 365 and regulation 2(4) of S.R. 2008 No. 428

(11) Paragraph (1) was amended by regulation 8 of S.R. 1988 No. 431, regulation 9(1)(a) of S.R. 1998 No. 81, paragraph 8(a) of Schedule 1 to S.R. 2003 No. 195 and regulation 2(7) of S.R. 2009 No. 338

(12) 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 paragraph (e) was substituted by regulation 2(6)(e)(ii) of S.R. 2008 No. 406 and amended by regulation 2(9)(b)(i) of S.R. 2009 No. 338

(13) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367

(14) Section 141A was inserted by section 55 of the Tax Credits Act 2002 (c. 21) and amended by paragraph 101(2) to (4) of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and paragraph 38 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

- (b) in paragraph 14(15) (disabled child premium)—
  - (i) at the end of sub-paragraph (1)(a) omit “or”;
  - (ii) after sub-paragraph (1)(b) add—
    - “; or
    - (c) a child or young person in respect of whom section 141A of the Contributions and Benefits Act (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the claimant’s applicable amount immediately before the death of that child or young person, or ceased to be included in the claimant’s applicable amount because of that child or young person’s death.”; and
    - (iii) in sub-paragraph (2), after “condition” insert “in sub-paragraph (1)(a) or (b)”.
- (7) In Schedule 3 (housing costs)—
  - (a) in paragraphs 4(4A)(b)(16) (housing costs not met), 14(4)(b) and (12)(c)(17) (linking rule) after “income” insert “equal to or”; and
  - (b) in paragraph 14—
    - (i) in sub-paragraph (1)(18) omit “Subject to sub-paragraph (2),”, and
    - (ii) omit sub-paragraph (2)(19).

#### **Amendment of the Social Security (Claims and Payments) Regulations**

4.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(20) are amended in accordance with paragraphs (2) and (3).

(2) In the definition of “specified benefit”(21) in paragraph 1(1) of Schedule 8A(22) (deductions from benefits and direct payment to third parties) omit “but does not include any sum payable by way of child maintenance bonus in accordance with Article 4 of the Child Support (Northern Ireland) Order 1995 and the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996;”.

(3) In the definition of “relevant benefits”(23) in paragraph 1 of Schedule 8B(24) (deductions of mortgage interest from benefit and payment to qualifying lenders) omit “but does not include any sum payable by way of child maintenance bonus in accordance with Article 4 of the Child Support (Northern Ireland) Order 1995 and the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996;”.

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(15) Paragraph 14 remains in operation by virtue of regulation 1(3) of [S.R. 2003 No. 195](#) and was substituted by regulation 2(7)(g) of [S.R. 2007 No. 154](#)

(16) Paragraph 4(4A) was inserted by regulation 16(2) of [S.R. 1997 No. 541](#) and amended by regulation 2(9)(b)(i) of [S.R. 2008 No. 112](#)

(17) Sub-paragraphs (4) and (12) have amendments which are not relevant to these Regulations

(18) Sub-paragraph (1) was amended by regulation 2(14)(b) of [S.R. 2009 No. 338](#)

(19) Paragraph 14(2) was amended by Article 7(11)(b)(iii) of [S.R. 1999 No. 472 \(C. 36\)](#), regulation 3(3) of [S.R. 2001 No. 29](#), modified in relation to certain cases by regulation 9(h)(i) of [S.R. 2008 No. 503](#) and further amended by regulation 2(14)(b) of [S.R. 2009 No. 338](#)

(20) [S.R. 1987 No.465](#); relevant amending Regulations are [S.R. 1988 No. 67](#), [S.R. 1992 No. 271](#), [S.R. 1996 Nos. 354 and 622](#), [S.R. 2003 No. 191](#), [S.R. 2007 Nos. 206 and 330](#), [S.R. 2008 Nos. 286 and 413](#) and [S.R. 2010 No. 345](#)

(21) The definition of “specified benefit” was substituted by regulation 2(a)(iii) of [S.R. 2007 No. 206](#) and amended by regulation 2(a)(ii) of [S.R. 2007 No. 330](#) and regulation 7(a)(i) of [S.R. 2008 No. 413](#)

(22) Schedule 8A was inserted by regulation 2(3) of [S.R. 1988 No. 67](#); paragraph 1 was amended by regulation 7 of [S.R. 2008 No. 413](#)

(23) The definition of “relevant benefits” was substituted by regulation 2(27)(a)(ii) of [S.R. 1996 No. 354](#) and amended by regulation 16(2)(b) of [S.R. 1996 No. 622](#), regulation 14(2)(b) of [S.R. 2003 No. 191](#), regulation 13(19)(a)(i) of [S.R. 2008 No. 286](#) and regulation 3 of [S.R. 2010 No. 345](#)

(24) Schedule 8B was inserted by regulation 5 of [S.R. 1992 No. 271](#)

**Amendment of the Social Security (Incapacity Benefit) Regulations**

5. For regulation 7 of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(25) (limit of earnings from councillor's allowance) substitute—

**“Limit of earnings from councillor's allowance**

7.—(1) Subject to paragraph (3), for the purpose of section 30E(of the Contributions and Benefits Act (incapacity benefit: reduction for councillor's allowance) the prescribed amount is 16 times the national minimum wage.

(2) In this regulation “national minimum wage” means the rate of the national minimum wage specified in regulation 11 of the National Minimum Wage Regulations 1999 (rate of the national minimum wage).

(3) Where the amount determined by the calculation in paragraph (1) would, but for this paragraph, include an amount of—

- (a) less than 50p, that amount shall be rounded up to the nearest 50p; or
- (b) less than £1 but more than 50p, that amount shall be rounded up to the nearest £1.”.

**Amendment of the Social Security (Incapacity for Work) (General) Regulations**

6.—(1) The Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(26) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation), in the definition of “medical evidence”(27) after “medical evidence” insert “, except in regulation 16A,”.

(3) In regulation 16A(28) (person to be treated as capable of work at the end of the period covered by medical evidence)—

- (a) renumber the existing provision as paragraph (1);
- (b) in that paragraph (1)(a) omit “in accordance with regulation 28(2)(a)”; and
- (c) after paragraph (1) add—

“(2) In this regulation “medical evidence” means evidence provided under regulation 2 or 5 of the Medical Evidence Regulations (29).”.

(4) In regulation 17(30) (exempt work)—

- (a) in paragraphs (3) and (4), for “£95.00” substitute “, subject to paragraph (10), 16 times the national minimum wage”;
- (b) in paragraph (8) after the definition of “less than 16 hours a week” insert—
 

““national minimum wage” means the rate of the national minimum wage specified in regulation 11 of the National Minimum Wage Regulations 1999 (rate of the national minimum wage);”; and
- (c) after paragraph (9)(31) add—

(25) S.R. 1994 No. 461; Regulation 7 was amended by regulation 3 of S.R. 2010 No. 311

(26) S.R. 1995 No. 41; relevant amending Regulations are S.R. 1996 No. 601, S.R. 2006 No. 150 and S.R. 2010 Nos. 200 and 311

(27) The definition of “medical evidence” was inserted by reg. 4(2)(b) of SR 1996 No. 601 and amended by regulation 6(2) of S.R. 2010 No. 200

(28) Regulation 16A was inserted by regulation 6(3) of S.R. 2010 No. 200

(29) S.R. 1976 No. 175

(30) Regulation 17 was substituted by regulation 2(4) of S.R. 2006 No. 150; paragraphs (3) and (4) were amended by regulation 6(4) of S.R. 2010 No. 200 and regulation 4 of S.R. 2010 No. 311

(31) Paragraph (9) was added by regulation 6(4)(c) of S.R. 2010 No. 200

“(10) Where the amount determined by the calculation in paragraphs (3) and (4) would, but for this paragraph, include an amount of—

- (a) less than 50p, that amount shall be rounded up to the nearest 50p; or
- (b) less than £1 but more than 50p, that amount shall be rounded up to the nearest £1.”.

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

7.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996 are amended in accordance with paragraphs (2) to (8).

(2) In regulation 55(4)(**32**) (short periods of sickness) omit “12 weeks of an entitlement of his to employment and support allowance or”.

(3) In regulation 96 (date on which income is treated as paid)—

- (a) in paragraph (1)(**33**) for “paragraphs (2) to (4) apply” substitute “paragraph (2) applies”; and
- (b) omit paragraphs (3)(**34**) and (4)(**35**).

(4) In regulation 97(1)(**36**) (calculation of weekly amount of income) omit “and regulation 96(3) (date on which income is treated as paid)”.

(5) In regulation 103(1)(**37**) (calculation of income other than earnings) omit “and regulation 96(3) and (4) (date on which income is treated as paid)”.

(6) In regulation 117 (interpretation) in head (ii) of paragraph (e) of the definition of “payment”(b) after “rent” insert “or rates”.

(7) In Schedule 1 (applicable amounts)—

- (a) in paragraph 15A(**39**) (enhanced disability premium) after sub-paragraph (1) insert—

“(1A) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the claimant is entitled to child benefit in respect of that person under section 141A of the Benefits Act (entitlement after death of child or qualifying young person).”; and

- (b) in paragraph 16(**40**) (disabled child premium)—
  - (i) at the end of sub-paragraph (1)(a) omit “or”,
  - (ii) after sub-paragraph (1)(b) insert—  
“; or

- (c) a child or young person in respect of whom section 141A of the Benefits Act (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period

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(32) Regulation 55(4) was amended by regulation 19(9)(b) of S.R. 2008 No. 286 and regulation 4(2) of S.R. 2010 No. 347

(33) Paragraph (1) was amended by regulation 4(3)(a) of S.R. 2008 No. 428

(34) Paragraph (3) was substituted by regulation 4(2) of S.R. 2003 No. 338 and amended by regulation 4(3)(b) of S.R. 2008 No. 428

(35) Paragraph (4) was inserted by regulation 4(3)(c) of S.R. 2008 No. 428

(36) Paragraph (1) was amended by regulation 5(9) of S.R. 1997 No. 130 and regulation 4(4)(a) of S.R. 2008 No. 428

(37) Paragraph (1) was amended by regulation 9(2)(a) of S.R. 1998 No. 81, paragraph 8(a) of Schedule 2 to S.R. 2003 No. 195 and regulation 4(7) of S.R. 2009 No. 338

(38) The definition of “payment” was amended by paragraph 14 of Schedule 2 to S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies), paragraph 23(6)(b) of Schedule 3 to S.R. 2005 No. 536, regulation 3(6)(d) of S.R. 2008 No. 406 and regulation 4(9)(b)(i) of S.R. 2009 No. 338

(39) Paragraph 15A was inserted by regulation 4(c)(ii) of S.R. 2000 No. 367 and paragraph (1) was amended by paragraph 20(c) (i) of Schedule 2 to S.R. 2003 No. 195 and regulation 5(5)(d) of S.R. 2010 No. 103

(40) Paragraph 16 remains in operation by virtue of regulation 1(7) of S.R. 2003 No. 195 and was substituted by regulation 3(8) (f) of S.R. 2007 No. 154

prescribed under that section, and in respect of whom a disabled child premium was included in the claimant's applicable amount immediately before the death of that child or young person, or ceased to be included in the claimant's applicable amount because of that child or young person's death.", and

(iii) in sub-paragraph (2), after "condition" insert "in sub-paragraph (1)(a) or (b)".

(8) In Schedule 2 (housing costs)—

- (a) in paragraph 13(1)(41) (linking rule) for "sub-paragraphs (2) and (2A)" substitute "sub-paragraph (2A)";
- (b) omit paragraph 13(2)(42); and
- (c) in paragraph 13(5)(b) after "income" insert "equal to or".

### **Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

**8.** In Schedule 2B to the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(43) (date on which change of circumstances takes effect where a claimant is entitled to state pension credit)—

(a) for paragraph 1(b) substitute—

“(b) except as provided in the following paragraphs—

- (i) where state pension credit is paid in advance, from the day that change occurs or is expected to occur if either of those days is the first day of a benefit week but if it is not, from the next following such day,
- (ii) where state pension credit is paid in arrears, from the first day of the benefit week in which that change occurs or is expected to occur.”;

- (b) in paragraph 2, after "has changed" insert "or that the claimant becomes entitled to disability living allowance (middle or higher rate care component) or to attendance allowance";
- (c) in paragraph 7(44), for "paragraphs 9 and 10" substitute "paragraph 10";
- (d) omit paragraph 9(45); and
- (e) in paragraph 10 omit "state pension is paid in advance and".

### **Amendment of Social Security (Work-focused Interviews for Lone Parents) Regulations**

**9.** In regulation 2 of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001(46) (general requirement for lone parents claiming or entitled to income support to take part in an interview) for paragraph (8) substitute—

“(8) In this regulation “relevant interview” means an interview under these Regulations in relation to the lone parent's current award of income support.”.

(41) Paragraph 13(1) was amended by paragraph 54(8)(a) and (b) of Schedule 2 to S.R. 2000 No. 350

(42) Paragraph 13(2) was amended by Article 9(8)(e) of S.R. 1999 No. 428 (C. 32), regulation 4(3) of S.R. 2001 No. 29 and modified in relation to certain cases by regulation 10(i)(i) of S.R. 2008 No. 503 and regulation 4(13) of S.R. 2009 No. 338

(43) S.R. 1999 No. 162; Schedule 2B was inserted by regulation 22 of S.R. 2003 No. 191, relevant amending Regulations are S.R. 2006 No. 168 and S.R. 2010 No. 81

(44) Paragraph 7 was inserted by regulation 4(5) of S.R. 2006 No.168 and amended by regulation 4(4)(a) of S.R. 2010 No. 81

(45) Paragraphs 9 to 11 were added by regulation 4(4)(b) of S.R. 2010 No. 81

(46) S.R. 2001 No. 152

### **Amendment of to the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations**

**10.**—(1) The Social Security (Working Tax Credit and Child Tax Credit) Consequential Amendments) Regulations (Northern Ireland) 2003<sup>(47)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 6 (income support-transitional arrangements) omit paragraphs (6) and (7)<sup>(48)</sup>.

(3) In regulation 7 (jobseeker’s allowance-transitional arrangements) omit paragraphs (5) and (6)<sup>(49)</sup>.

### **Amendment of Social Security (Work-Focused Interviews) Regulations**

**11.** In regulation 3 of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003<sup>(50)</sup> (continuing entitlement to a specified benefit dependent on an interview) for paragraph (5A)<sup>(51)</sup> substitute—

“(5A) In this regulation “relevant interview” means an interview under these Regulations in relation to the lone parent’s current award of the specified benefit.”.

### **Amendment of the Housing Benefit Regulations**

**12.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006<sup>(52)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 4 (applicable amounts)—

(a) in paragraph 15<sup>(53)</sup> (enhanced disability premium)—

(i) after sub-paragraph (1) insert—

“(1A) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the claimant is entitled to child benefit in respect of that person under section 141A of the Act<sup>(54)</sup> (entitlement after death of child or qualifying young person).”, and

(ii) in sub-paragraph (2) for “An enhanced disability premium shall not be applicable in respect of” substitute “The condition is not satisfied if the person to whom sub-paragraph (1) refers is”; and

(b) in paragraph 16 (disabled child premium) for sub-paragraph (c) substitute—

“(c) is a child or young person in respect of whom section 141A of the Act (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the claimant’s applicable amount immediately before the death of that child or young person, or ceased to be included in the claimant’s applicable amount because of that child or young person’s death.”.

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<sup>(47)</sup> S.R. 2003 No. 195

<sup>(48)</sup> Paragraph (6) was amended by regulation 9 of S.R. 2004 No. 143 and paragraph 7 was amended by regulation 6(2)(d) of S.R. 2003 No. 338

<sup>(49)</sup> Paragraph (5) was amended by regulation 9 of S.R. 2004 No. 143 and paragraph 6 was amended by regulation 6(3)(b) of S.R. 2003 No. 338

<sup>(50)</sup> S.R. 2003 No. 274

<sup>(51)</sup> Paragraph (5A) was inserted by regulation 3(2)(c) of S.R. 2007 No. 219

<sup>(52)</sup> S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 378 and S.R. 2010 No. 103

<sup>(53)</sup> Paragraph 15 was amended by regulation 3(17)(c) of S.R. 2008 No. 378 and regulation 8(3)(b) of S.R. 2010 No. 103

<sup>(54)</sup> Section 141A was inserted by section 55 of the Tax Credits Act 2002 (c. 21) and amended by paragraph 101(2) to (4) of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and paragraph 38 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

- (3) In Schedule 7 (capital to be disregarded) omit paragraph 47 (child maintenance bonus).

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

**13.** In Schedule 4 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006<sup>(55)</sup>—

- (a) in paragraph 7 (enhanced disability premium)—

- (i) renumber the existing provision as sub-paragraph (1);
- (ii) at the beginning of that sub-paragraph insert “Subject to sub-paragraph (2),” and
- (iii) after sub-paragraph (1) add—

“(2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the claimant is entitled to child benefit in respect of that person under section 141A of the Act (entitlement after death of child or qualifying young person).”; and

- (b) in paragraph 8 (disabled child premium) for sub-paragraph (c) substitute—

- “(c) is a child or young person in respect of whom section 141A of the Act (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the claimant’s applicable amount immediately before the death of that child or young person, or ceased to be included in the claimant’s applicable amount because of that child or young person’s death.”.

### **Amendment of the Employment and Support Allowance Regulations**

**14.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(56)</sup> are amended in accordance with paragraphs (2) to (12).

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

- (a) in the definition of “medical evidence”, after “medical evidence” insert “, except in regulation 32A,”; and
- (b) after the definition of “mobility supplement” insert—

““national minimum wage” means the rate of the national minimum wage specified in regulation 11 of the National Minimum Wage Regulations 1999 (rate of the national minimum wage);”.

(3) Renumber regulation 32A<sup>(57)</sup> (claimants to be treated as not having limited capability for work at the end of the period covered by medical evidence) as paragraph (1) of that regulation and in the renumbered paragraph (1)—

- (a) in sub-paragraph (a) omit “in accordance with regulation 30(2)(a)”; and
- (b) after paragraph (1) add—

“(2) In this regulation “medical evidence” means evidence provided under regulation 2 or 5 of the Medical Evidence Regulations.”.

- (4) In regulation 45 (exempt work)—

<sup>(55)</sup> S.R. 2006 No. 406

<sup>(56)</sup> S.R. 2008 No. 280

<sup>(57)</sup> Regulation 32A was inserted by regulation 9(9) of S.R. 2010 No. 200



- (a) in paragraphs (3) and (4)(**58**) for “£95.00” substitute “subject to paragraph (9A), 16 times the national minimum wage”; and
- (b) after paragraph (9) insert—
  - “(9A) Where the amount determined by the calculation in paragraphs (3) and (4) would, but for this paragraph, include an amount of—
    - (a) less than 50p, that amount shall be rounded up to the nearest 50p; or
    - (b) less than £1 but more than 50p, that amount shall be rounded up to the nearest £1.”.
- (5) In regulation 76 (deductions for councillor’s allowance)—
  - (a) in paragraph (1) for “£95.00(**59**)” substitute “subject to paragraph (3), 16 times the national minimum wage”; and
  - (b) after paragraph (2) add—
    - “(3) where the amount determined by the calculation in paragraph (1) would, but for this paragraph, include an amount of—
      - (i) less than 50p, that amount shall be rounded up to the nearest 50p; or
      - (ii) less than £1 but more than 50p, that amount shall be rounded up to the nearest £1.”.
- (6) In regulation 93 (date on which income is treated as paid)—
  - (a) in paragraph (1) omit “or (3)”; and
  - (b) omit paragraphs (3) and (4)(**60**).
- (7) In regulation 104(1)(**61**) (calculation of income other than earnings) omit “and regulation 93(3) and (4) (date on which income is treated as paid)”.
- (8) In regulation 149(1)(**62**) (linking rules-limited capability for work) after “employment and support allowance” add “until it is determined whether that beneficiary has, or is treated as having, limited capability for work following a limited capability for work assessment”.
- (9) In regulation 150(**63**) (linking rules-limited capability for work-related activity) after “employment and support allowance” add “until it is determined whether that beneficiary has, or is treated as having, limited capability for work-related activity in accordance with regulation 34 or 35”.
- (10) In Schedule 6 (housing costs)—
  - (a) in paragraph 6(5)(b) (housing costs not met) after “income” insert “equal to or”;
  - (b) in paragraph 15(1) (linking rules) omit “Subject to sub-paragraph (2),”;
  - (c) omit paragraph 15(2); and
  - (d) in paragraph 15(8)—
    - (i) in sub-paragraph (b) after “income” insert “equal to or”, and
    - (ii) after sub-paragraph (b) insert—

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(58) Paragraph (3) was amended by regulation 9(10)(a) of [S.R. 2010 No. 200](#) and paragraphs (3) and (4) were amended by regulation 5(2) of [S.R. 2010 No. 311](#)

(59) Paragraph (1) was amended by regulation 5(3) of [S.R. 2010 No. 311](#)

(60) Paragraph (3) was amended by and paragraph (4) was added by regulation 8(4) of [S.R. 2009 No. 92](#)

(61) Paragraph (1) was amended by regulation 8(7) of [S.R. 2009 No. 338](#)

(62) Regulation 149(1) was substituted in relation to certain cases by regulation 6(3)(a) of [S.R. 2010 No. 347](#)

(63) Regulation 150 was substituted in relation to certain cases by regulation 6(5) of [S.R. 2010 No. 347](#)

“(bb) an amount of contributory allowance payable in respect of a claimant under section 2 that is equal to, or exceeds, the applicable amount in the claimant’s case; or”.

(11) In paragraphs 5, 6 and 7(3)(b) of Schedule 7(**64**) (sums to be disregarded in the calculation of earnings) for “£95.00”, in each place where it occurs, substitute “16 times the national minimum wage”.

(12) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) in paragraph 7 for sub-paragraph (3)(**65**) substitute—

“(3) Any increase in respect of a dependent child or dependent young person under section 80 or 90 of the Contributions and Benefits Act.”.

### **Revocations**

**15.** The provisions specified in column (1) of the Schedule are revoked to the extent specified in column (3).

Sealed with the Official Seal of the Department for Social Development on 21st March 2011

(L.S.)

*Anne Mc Cleary*  
A senior officer of the Department for Social  
Development

The Department of Finance and Personnel consents to regulations 12 and 13.

Sealed with the Official Seal of the Department of Finance and Personnel on 22nd March 2011

(L.S.)

*Adrian Arbuthnot*  
A senior officer of the Department of Finance  
and Personnel

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(64) Paragraphs 5, 6 and 7(3)(b) of Schedule 7 were amended by regulation 5(4) of [S.R. 2010 No. 311](#)

(65) Sub-paragraph (3) was inserted by regulation 9(20)(a) of [S.R. 2010 No. 200](#)