

2011 No. 291

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Loss of Benefit) (Amendment) Regulations
(Northern Ireland) 2011**

Made - - - - - *29th July 2011*

Coming into operation - *1st September 2011*

Approved by resolution of the Assembly on 20th February 2012

The Department for Social Development makes the following Regulations in exercise of the powers conferred by Articles 10(1), 11(3) and (6), 13(2) and 74(3) and (5) of, and paragraph 9 of Schedule 2 to, the Social Security (Northern Ireland) Order 1998(a) and now vested in it(b), and paragraphs 3(1) and 4(3) and (5) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(c) and sections 5B(6) to (11), 6(3) to (6), 7(3) and (4), 8(2) to (5), 9(1) and (2) and 10(4) of the Social Security Fraud Act (Northern Ireland) 2001(d) and section 33(1) of the Welfare Reform Act (Northern Ireland) 2010(e).

Citation and commencement

1. These Regulations may be cited as the Social Security (Loss of Benefit) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 1st September 2011.

Amendment of the Social Security (Loss of Benefit) Regulations

2.—(1) The Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002(f) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2)—

(i) in the definition of “disqualification period”—

(aa) after “section” insert “5B(11) or”, and

(a) S.I. 1998/1506 (N.I. 10); Article 13(2) was substituted by paragraph 19(3) of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 2000 (c.4 (N.I.))

(d) 2001 (c. 17 (N.I.)); section 5B was inserted by section 19 of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)) (“the 2010 Act”), in section 6 subsection (4A) was inserted by paragraph 33(a) of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and subsection (4B) was inserted by paragraph 14(2) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)), section 7(3) and (4) were amended by Paragraph 2 of Schedule 3 to the 2010 Act, section 8(2) was amended by paragraph 3(2) of Schedule 3 to the 2010 Act, subsection (4A) was inserted by paragraph 34(b) of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 and subsection (4B) was inserted by paragraph 14(5) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007, section 9(1) and (2) were amended by paragraph 4 of Schedule 3 to the 2010 Act and section 10(4) was amended by paragraph 5(4) of Schedule 3 to the 2010 Act

(e) 2010 (c. 13 (N.I.))

(f) S.R. 2002 No. 79; relevant amending Rules are S.R. 2003 No. 28, S.R. 2005 No. 536 and S.R. 2008 Nos. 147 (C. 7) and 286

- (bb) for “regulation 2” substitute “regulations 1A and 2”;
- (ii) after the definition of “disqualification period” insert—
 - ““the determination day” means (subject to paragraph (2A)) the day on which the Department determines that a restriction under—
 - (a) section 5B or 6 of the Act would be applicable to the offender were the offender in receipt of a sanctionable benefit;
 - (b) section 7 of the Act would be applicable to the offender were the offender a member of a joint-claim couple which is in receipt of a joint-claim jobseeker’s allowance; or
 - (c) section 8 of the Act would be applicable to the offender’s family member were that member in receipt of income support, jobseeker’s allowance, state pension credit, employment and support allowance or housing benefit;”;
- (iii) at the end of the definition of “the Jobseeker’s Allowance Regulations” omit “and”;
- (iv) in the definition of “offender” after “section” insert “5B or”;
- (v) after the definition of “offender” add—
 - ““pay day” in relation to a sanctionable benefit means the day on which that benefit is due to be paid; and
 - “relevant authority” in relation to housing benefit means the relevant authority administering the benefit of the offender or the offender’s family member.”;
- (b) after paragraph (2) insert—
 - “(2A) Where, for the purposes of section 5B of the Act, the disqualifying event is an agreement to pay a penalty as referred to in section 5B(1)(b) of the Act, the determination day is the 28th day after the day referred to in the definition of that term in paragraph (2).”.
- (3) For regulation 2(a) (disqualification period) substitute—

“Disqualification period: section 5B(11) of the Act

1A.—(1) The first day of the disqualification period for the purposes of section 5B(11) of the Act (“DQ-day”) shall be determined as follows.

- (2) This paragraph applies where on the determination day—
 - (a) the offender is in receipt of a sanctionable benefit;
 - (b) the offender is a member of a joint-claim couple which is in receipt of a joint-claim jobseeker’s allowance; or
 - (c) the offender’s family member is in receipt of income support, jobseeker’s allowance, state pension credit, employment and support allowance or housing benefit.
- (3) Where paragraph (2) applies and paragraph (4) does not apply (but subject to paragraph (7))—
 - (a) in relation to a sanctionable benefit which is paid in arrears, DQ-day is the day following the first pay day after the end of the period of 28 days beginning with the determination day; and
 - (b) in relation to a sanctionable benefit which is paid in advance, DQ-day is the first pay day after the end of the period of 28 days beginning with the determination day.
- (4) This paragraph applies where on the determination day the offender or (as the case may be) the offender’s family member is in receipt of—

(a) Regulation 2 was amended by regulation 25(2) of S.R. 2003 No. 28, Article 3(2) of S.R. 2008 No. 147 (C. 7) and regulation 29(2) of S.R. 2008 No. 286

- (a) housing benefit; and
 - (b) no other sanctionable benefit.
- (5) Where paragraph (4) applies—
- (a) in relation to housing benefit which is paid in arrears, DQ-day is the day following the first pay day after the end of the period of 28 days beginning with the first day after the determination day on which the Department is notified by the relevant authority that the offender or the offender’s family member is in receipt of housing benefit or has been awarded housing benefit; and
 - (b) in relation to housing benefit which is paid in advance, DQ-day is the first pay day after the end of the period of 28 days beginning with the first day after the determination day on which the Department is so notified by the relevant authority.
- (6) Where neither paragraph (2) nor paragraph (4) applies, DQ-day is the first day after the end of the period of 28 days beginning with the determination day.
- (7) Where on the determination day—
- (a) paragraph (2) applies in the case of an offender or (as the case may be) the offender’s family member, but
 - (b) that person ceases to be in receipt of a benefit referred to in that paragraph before the first day of the disqualification period that would apply by virtue of paragraph (3),
- DQ-day is the first day after the end of the period of 28 days beginning with the determination day.

Disqualification period: section 6(6) of the Act

2.—(1) The first day of the disqualification period for the purposes of section 6(6) of the Act (“DQ-day”) shall be determined as follows.

- (2) This paragraph applies where on the determination day—
- (a) the offender is in receipt of a sanctionable benefit;
 - (b) the offender is a member of a joint-claim couple which is in receipt of a joint-claim jobseeker’s allowance; or
 - (c) the offender’s family member is in receipt of income support, jobseeker’s allowance, state pension credit, employment and support allowance or housing benefit.
- (3) Where paragraph (2) applies and paragraph (4) does not apply—
- (a) in relation to a sanctionable benefit which is paid in arrears, DQ-day is the day following the first pay day after the end of the period of 28 days beginning with the determination day; and
 - (b) in relation to a sanctionable benefit which is paid in advance, DQ-day is the first pay day after the end of the period of 28 days beginning with the determination day.
- (4) This paragraph applies where on the determination day the offender or (as the case may be) the offender’s family member is in receipt of—
- (a) housing benefit; and
 - (b) no other sanctionable benefit.
- (5) Where paragraph (4) applies—
- (a) in relation to housing benefit which is paid in arrears, DQ-day is the day following the first pay day after the end of the period of 28 days beginning with the first day after the determination day on which the Department is notified by the relevant authority that the offender or the offender’s family member is in receipt of housing benefit or has been awarded housing benefit; and

(b) in relation to housing benefit which is paid in advance, DQ-day is the first pay day after the end of the period of 28 days beginning with the first day after the determination day on which the Department is so notified by the relevant authority.

(6) Where neither paragraph (2) nor paragraph (4) applies, DQ-day is the first day after the end of the period of 28 days beginning with the determination day on which the Department decides to award—

- (a) a sanctionable benefit to the offender;
- (b) a joint-claim jobseeker's allowance to a joint-claim couple of which the offender is a member; or
- (c) income support, jobseeker's allowance, state pension credit or employment and support allowance to the offender's family member.

(7) For the purposes of the preceding provisions of this regulation, DQ-day is to be no later than 5 years and 28 days after the date of the conviction of the offender for the benefit offence in the later proceedings referred to in section 6(1) of the Act; and section 6(9) of the Act (date of conviction and references to conviction) shall apply for the purposes of this paragraph as it applies for the purposes of section 6 of the Act.”.

(4) In regulation 3(a) (reduction of income support and income-related employment and support allowance)—

- (a) in paragraph (1) for “to (4)” substitute “and (3)”;
- (b) omit paragraph (4).

(5) In regulation 5(3) (meaning of “person in hardship”)—

- (a) after sub-paragraph (a) add “or”;
- (b) in sub-paragraph (b) after “Article” insert “10 or” and before “circumstances” insert “attendance, information and evidence;” and
- (c) omit sub-paragraph (c) and the word “or” immediately before it.

(6) In regulation 6(2) (circumstances in which an income-based jobseeker's allowance is payable to a person who is a person in hardship) before “6(2)” insert “5B(5) or ”.

(7) In regulation 7(2) (further circumstances in which an income-based jobseeker's allowance is payable to a person who is a person in hardship) before “6(2)” insert “5B(5) or”.

(8) In regulation 9 (provision of information) before “6(4)(b)” insert “5B(7)(b) and”.

(9) In regulation 11(b) (application of Part and meaning of “couple in hardship”)—

- (a) in paragraph (2) for “regulation 13” substitute “regulation 12”;
- (b) in paragraph (3) for “regulation 14” substitute “regulation 13”;
- (c) in paragraph (4)(b)—
 - (i) after “subject” insert “or are to be treated as subject”;
 - (ii) after “Article” insert “10 or”, and
 - (iii) before “denial” insert “attendance, information and evidence;”.

(10) In regulation 18 (circumstances where housing benefit is payable) after “income support” insert “, an income-related employment and support allowance, state pension credit,”.

(11) After regulation 19 (social security benefits not to be sanctionable benefits) insert—

“Benefits to be treated as neither sanctionable nor disqualifying

19A. Each of the following benefits is to be treated as neither a sanctionable benefit nor a disqualifying benefit—

(a) Regulation 3 was amended by regulation 29(3) of S.R. 2008 No. 286
(b) Paragraph 2 was amended by paragraph 28(3) of Schedule 3 to S.R. 2005 No. 536

- (a) statutory adoption pay;
- (b) statutory paternity pay;
- (c) health in pregnancy grant.”.

(12) In regulation 20 (deductions from benefits) before “6” insert “5B,”.

Amendment of the Social Security (Credits) Regulations

3.—(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(a) are amended as follows.

(2) In regulation 7A(1)(b) (credits for carer’s allowance) after “section”, in the first place it occurs, insert “5B or”.

(3) In regulation 8A(2)(d)(c) (credits for unemployment) after “section” insert “5B,”.

Amendment of the Income Support (General) Regulations

4.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(d) are amended as follows.

(2) In Schedule 1B(e) (prescribed categories of person) in paragraph 4(b) (persons caring for another person) after “section” insert “5B or”.

(3) In Schedule 2 (applicable amounts) in paragraph 13(5)(f) (severe disability premium) after “section” insert “5B or”.

Amendment of the Jobseeker’s Allowance Regulations

5.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(g) are amended as follows.

(2) In regulation 47(4)(b)(ii)(h) (jobseeking period) after “section” insert “5B,”.

(3) In Schedule 1 (applicable amounts)—

- (a) in paragraph 15(9)(i) (severe disability premium) after “section” insert “5B or”; and
- (b) in paragraph 20I(7)(j) (severe disability premium) after “section” insert “5B or”.

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

6.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(k) are amended as follows.

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- (a) S.R. 1975 No. 113; relevant amending Regulations are S.R. 1976 No. 99, S.R. 1987 No. 153, S.R. 1988 No. 326, S.R. 1996 No. 430, S.R. 2001 No. 108, S.R. 2002 Nos. 80 and 323 and S.R. 2005 No. 536
 - (b) Regulation 7A was inserted by regulation 19 of S.R. 1976 No. 99 and amended by regulation 6(a) of S.R. 1987 No. 153, regulation 2(5)(c) of S.R. 1988 No. 326, regulation 3(5)(b) of S.R. 2001 No. 108, regulation 2(3) of S.R. 2002 No. 80, paragraph 1(a) of the Schedule to S.R. 2002 No. 323 and paragraph 4(2) of Schedule 3 to S.R. 2005 No. 536
 - (c) Regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430 and paragraph (2)(d) was added by regulation 2(4) of S.R. 2002 No. 80
 - (d) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1996 No. 199, S.R. 2000 No. 74, S.R. 2002 Nos. 80 and 323 and S.R. 2007 No. 154
 - (e) Schedule 1B was inserted by regulation 22 of S.R. 1996 No. 199 and paragraph 4(b) was amended by regulation 4(1) of S.R. 2000 No. 74, regulation 3(3) of S.R. 2002 No. 80 and paragraph 1(g) of the Schedule to S.R. 2002 No. 323
 - (f) Paragraph 13(5) was added by regulation 3(4) of S.R. 2002 No. 80 and amended by regulation 2(7)(e)(ii) of S.R. 2007 No. 154
 - (g) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358, S.R. 2000 No. 350, S.R. 2001 No. 120, S.R. 2002 No. 80 and S.R. 2007 No. 154
 - (h) Paragraph (4)(b) was substituted by regulation 14(3) of S.R. 1996 No. 358 and amended by regulation 2(5) of S.R. 2001 No. 120 and regulation 5(3) of S.R. 2002 No. 80
 - (i) Paragraph 15(9) was added by regulation 5(4)(a) of S.R. 2002 No. 80 and amended by regulation 3(8)(d)(ii) of S.R. 2007 No. 154
 - (j) Paragraph 20I was inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350 and sub-paragraph (7) was added by regulation 5(4)(b) of S.R. 2002 No. 80 and amended by regulation 3(8)(j)(ii) of S.R. 2007 No. 154
 - (k) S.R. 1999 No. 162; relevant amending Rules are S.R. 2002 Nos. 79 and 80 and S.R. 2008 No. 147 (C. 7)

(2) In regulation 3 (revision of decisions) for paragraph (8A)(a) substitute—

“(8A) Where—

- (a) a restriction is imposed on a person under section 5B, 7, 8 or 9 of the Fraud Act as a result of the person—
 - (i) being convicted of an offence by a court, or
 - (ii) agreeing to pay a penalty as an alternative to prosecution under section 109A of the Administration Act(b) or section 115A of the Social Security Administration Act 1992(c); and
- (b) that conviction is quashed or set aside by that or any other court, or the person withdraws his agreement to pay a penalty,

a decision of the Department made under Article 9(1)(a) or 11 in accordance with regulation 6(2)(i) or (j) may be revised at any time.”.

(3) In regulation 6(2)(i)(d) (supersession of decisions)—

- (a) after “section”, in the first place it occurs, insert “5B,”; and
- (b) for “same meaning as in section 6” substitute “meaning given in section 5A”.

(4) In regulation 7(27)(e) (date from which a decision superseded under Article 11 takes effect) after “section” insert “5B or”.

(5) In Schedule 1 (decisions against which no appeal lies) for paragraph 25(f) substitute—

“Loss of Benefit

25.—(1) In the circumstances referred to in sub-paragraph (2), a decision of the Department that a sanctionable benefit as defined in section 5A of the Fraud Act is not payable (or is to be reduced) pursuant to section 5B, 6, 7 or 8 of that Act as a result of—

- (a) a conviction for one or more benefit offences in one set of proceedings;
- (b) an agreement to pay a penalty under section 109A of the Administration Act or section 115A of the Social Security Administration Act 1992 in relation to a benefit offence;
- (c) a caution in respect of one or more benefit offences; or
- (d) a conviction for one or more benefit offences in each of two sets of proceedings, the later offence or offences being committed within the period of 5 years after the date of any of the convictions for a benefit offence in the earlier proceedings.

(2) The circumstances are that the only ground of appeal is that any of the convictions was erroneous, or that the offender (as defined in section 5B(1) of the Fraud Act) did not commit the benefit offence in respect of which there has been an agreement to pay a penalty or a caution has been accepted.”.

Amendment of the Housing Benefit (Decisions and Appeals) Regulations

7.—(1) The Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(g) are amended as follows.

(2) For regulation 4(6A)(h) (revision of decisions) substitute—

“(6A) Where—

-
- (a) Paragraph (8A) was inserted by regulation 7(3) of S.R. 2002 No. 80
 - (b) Section 109A was inserted by Article 14 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)) and amended by section 13 of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17 (N.I.))
 - (c) 1992 c. 5; section 115A was inserted by section 15 of the Social Security Administration (Fraud) Act 1997 (c. 47) and amended by section 14 of the Social Security Fraud Act 2001 (c. 11)
 - (d) Sub-paragraph (i) was added by regulation 7(4) of S.R. 2002 No. 80
 - (e) Paragraph (27) was added by regulation 7(5) of S.R. 2002 No. 80
 - (f) Paragraph 25 was added by regulation 21 of S.R. 2002 No. 79 and amended by Article 3 of S.R. 2008 No. 147 (C. 7)
 - (g) S.R. 2001 No. 213; relevant amending Regulations are S.R. 2002 No. 80
 - (h) Paragraph (6A) was inserted by regulation 8(3) of S.R. 2002 No. 80

- (a) a restriction is imposed on a person under section 5B, 6, 7 or 8 of the Fraud Act (loss of benefit provisions) as result of the person—
 - (i) being convicted of an offence by a court; or
 - (ii) agreeing to pay a penalty as an alternative to prosecution under section 109A of the Administration Act or section 115A of the Social Security Administration Act 1992; and
 - (b) that conviction is quashed or set aside by that or any other court, or the person withdraws his agreement to pay a penalty,
- a decision of the relevant authority made in accordance with regulation 7(2)(f) or (g) may be revised at any time.”.
- (3) In regulation 7(2)(f)(a) (decisions superseding earlier decisions)—
 - (a) after “section”, in the first place it occurs, insert “5B,”; and
 - (b) for “same meaning as in section 6” substitute “meaning given in section 5A”.
 - (4) In regulation 8(8)(b) (date from which a decision superseding an earlier decision takes effect) after “section” insert “5B or”.

Amendment of the Discretionary Financial Assistance Regulations

8. In regulation 3(i) of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(c) (circumstances in which discretionary housing payments may be made) after “section” insert “5B,”.

Amendment of the Housing Benefit Regulations

- 9.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(d) are amended as follows.
- (2) In regulation 2(3)(d) (interpretation) after “section” insert “5B,”.
- (3) In Schedule 4 (applicable amounts) in paragraph 14(7) (severe disability premium) after “section” insert “5B or”.

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

- 10.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(e) are amended as follows.
- (2) In regulation 2(3)(d) (interpretation) after “section” insert “5B,”.
- (3) In Schedule 4 (applicable amounts) in paragraph 6(8)(b) (severe disability premium) after “section” insert “5B or”.

Amendment of the Employment and Support Allowance Regulations

- 11.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(f) are amended as follows.
- (2) In regulation 157(3)(a) (disqualification for misconduct, etc.) after “section” insert “5B or”.
- (3) In Schedule 4 (amounts) in paragraph 6(8) (severe disability premium) after “section” insert “5B or”.

(a) Paragraph 2(f) was added by regulation 8(4) of S.R. 2002 No. 80
 (b) Paragraph (8) was added by regulation 8(5) of S.R. 2002 No. 80
 (c) S.R. 2001 No. 216; regulation 3(i) was added by regulation 9 of S.R. 2002 No. 80
 (d) S.R. 2006 No. 405
 (e) S.R. 2006 No. 406
 (f) S.R. 2008 No. 280

Revocations

12. 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 29th July 2011

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

SCHEDULE
Revocations

Regulation 12

<i>Column (1)</i> <i>Citation</i>	<i>Column (2)</i> <i>Reference</i>	<i>Column (3)</i> <i>Extent of Revocation</i>
The Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002	S.R. 2002 No. 79	Regulation 3(4) In regulation 5(3)(b) the word “or” after that sub-paragraph Regulation 5(3)(c) Regulation 21
The Social Security (Loss of Benefit) (Consequential Amendments) Regulations (Northern Ireland) 2002	S.R. 2002 No. 80	Regulations 7(3) and 8(3)
The State Pension Credit Regulations (Northern Ireland) 2003	S.R. 2003 No. 28	Regulation 25(2)
The Welfare Reform (2007 Act) (Commencement No. 4 and Consequential Provisions) Order (Northern Ireland) 2008	S.R. 2008 No. 147 (C. 7)	Article 3
The Employment and Support Allowance (Consequential Provisions) Regulations (Northern Ireland) 2008	S.R. 2008 No. 286	Regulation 29(2) and (3)(c)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002 (“the Loss of Benefit Regulations”) as a result of the commencement of section 19 of the Welfare Reform Act (Northern Ireland) 2010 (“the 2010 Act”). Section 19 amends the Social Security Fraud Act (Northern Ireland) 2001 (“the 2001 Act”) to provide for a new sanction for benefit offences under which there will be restrictions in payment of “sanctionable benefits” (which are most benefits except those relating solely to old age, disability and children).

These restrictions will apply when a person has been convicted of one or more benefit offences in any proceedings, has agreed to pay an administrative penalty or has been cautioned for a benefit offence. The sanction may result in the total loss of benefit for four weeks or a reduction in benefit for four weeks. The new sanction will not apply where the offender has been convicted of one or more benefit offences in a set of proceedings where the offence was committed within the period of five years after the date on which the offender was convicted of one or more benefit offences in an earlier set of proceedings. The existing benefit sanction in section 6 of the 2001 Act will apply instead.

These Regulations also make some other amendments to the Loss of Benefit Regulations and make supplemental and consequential amendments to other secondary legislation as a result of the coming into operation of section 19 of the 2010 Act.

Regulation 2 amends the Loss of Benefit Regulations as follows:

- paragraphs (2), (4), (6) to (8) and (12) make other consequential amendments as a result of the coming into operation of section 19 and the changes made by these regulations.
- paragraph (3) prescribes what is to be the first day of the disqualification period for both the benefit sanction introduced by section 5B of the 2001 Act and that contained in the existing section 6 of that Act.
- paragraph (5) amends regulation 5 which sets out when a person is to be treated as a person in hardship. Its effect is to deem jobseeker’s allowance claimants who are also subject to another sanction for failing to attend mandatory appointments as not being persons in hardship.
- paragraph (9)(a) and (b) correct two errors in regulation 11.
- paragraph (10) corrects regulation 18 by inserting references to employment and support allowance and state pension credit in relation to the application of the sanctions to housing benefit.
- paragraph (11) inserts regulation 19A so as to provide that statutory adoption pay, statutory paternity pay and health in pregnancy grant are to be treated as neither sanctionable benefits nor disqualifying benefits for the purposes of sections 5A to 9 of the 2001 Act.

Regulation 6 amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, in particular so as to provide that no appeal shall lie to an Appeal Tribunal in respect of a decision to impose the new benefit sanction or the existing benefit sanction where the only ground of appeal is that any of the convictions was erroneous or that the offender did not commit the benefit offence in respect of which the offender has agreed to pay an administrative penalty or has been cautioned.

Regulations 3 to 5 and 7 to 11 make consequential amendments to the other relevant secondary legislation as a result of the coming into operation of section 19.

Regulation 12 makes consequential revocations.

These Regulations 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 section 149(3) of, and paragraph 10 of

Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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STATUTORY RULES OF NORTHERN IRELAND

2011 No. 291

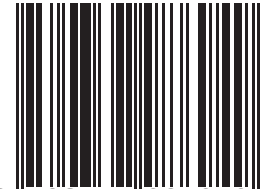
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