

2022 No. 202

SOCIAL SECURITY

**The Social Security (Amendment) Regulations (Northern
Ireland) 2022**

Made - - - - *25th August 2022*

Coming into operation - *15th September 2022*

The Department for Communities makes the following Regulations in exercise of the powers conferred by section 115(3) and (4) of the Immigration and Asylum Act 1999(a), and now vested in it(b).

Citation, commencement, interpretation and effect

1.—(1) These Regulations may be cited as the Social Security (Amendment) Regulations (Northern Ireland) 2022 and shall come into operation on 15th September 2022.

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

(3) The amendments made by regulation 2 do not have effect in relation to a claim for housing benefit or state pension credit made before the date on which these Regulations come into operation.

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations

2.—(1) Regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(d) (persons not excluded from specified benefits under section 115 of the Act) is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)(e) omit—

(a) “housing benefit under the Contributions and Benefits Act,”;

(b) “or state pension credit under the State Pension Credit Act (Northern Ireland) 2002(f).”.

(a) 1999 c. 33

(b) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(c) 1954 c. 33 (N.I.)

(d) S.R. 2000 No. 71; relevant amending Regulations are S.R. 2003 No. 421, S.R. 2008 No. 286, S.I. 2008/3108, S.R. 2016 No. 236 and S.R. 2021 No. 281

(e) Paragraph (1) was amended by regulation 6(a) of S.R. 2003 No. 421, regulation 23(3)(a) of S.R. 2008 No. 286 and regulation 9(2) of S.I. 2008/3108

(f) 2002 c. 14 (N.I.)

(3) In paragraph (1A)(a)—

- (a) after “entitlement to” insert “housing benefit under the Contributions and Benefits Act, state pension credit under the State Pension Credit Act (Northern Ireland) 2002 or”;
- (b) after “universal credit,” insert “as the case may be,”.

Sealed with the Official Seal of the Department for Communities on 25th August 2022
(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000 (S.R. 2000 No. 71) (“the Immigration Regulations”).

Regulation 1 provides for citation, commencement, interpretation and effect.

Regulation 2 of, and the Schedule to, the Immigration Regulations make provision for certain people not to be excluded from entitlement to benefits under section 115 of the Immigration and Asylum Act 1999, who would otherwise be excluded under that section. Paragraph 4 of Part 1 of the Schedule to the Immigration Regulations provides that lawfully present nationals of states which have ratified the European Convention on Social and Medical Assistance or the Council of Europe Social Charter are not treated as being subject to immigration control for the purposes of the benefits specified in regulation 2(1) of those Regulations.

Regulation 2 amends regulation 2(1) and (1A) of the Immigration Regulations to remove paragraph 4 of Part 1 of the Schedule as a relevant provision for persons making a claim for housing benefit or state pension credit. Paragraph 4 of Part 1 of the Schedule to the Immigration Regulations continues to be relevant for the purposes of the remaining benefits specified in regulation 2(1) of those Regulations.

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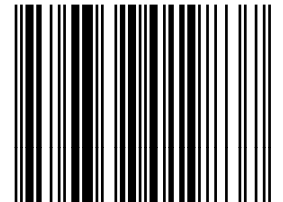
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

(a) Paragraph (1A) was inserted by regulation 29(3)(a) of S.R. 2016 No. 236 and amended by regulation 2(2) of S.R. 2021 No. 281

£4.90

<http://www.legislation.gov.uk/id/misr/2022/202>

ISBN 978-0-33-801983-7



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