



Social Security Contributions and Benefits (Northern Ireland) Act 1992

1992 CHAPTER 7

PART VII

INCOME-RELATED BENEFITS

Income support

123 **Income support.**

- (1) A person in Northern Ireland is entitled to income support if—
- [^{F1}(a) he is of or over the age of 16;]
 - [^{F2}(aa) he has not attained the qualifying age for state pension credit;]
 - (b) he has no income or his income does not exceed the applicable amount;
 - (c) he is not engaged in remunerative work and, if he is a member of a [^{F3}couple], the other member is not so engaged; ^{F4} . . .
 - [^{F5}(d) except in such circumstances as may be prescribed, he is not receiving relevant education;]
 - [^{F6}(e) he falls within a prescribed category of person; ^{F7} ...
 - (f) he is not entitled to a jobseeker's allowance and, if he is a member of a [^{F8}couple], the other member of the couple is not [^{F9}, and the couple are not,] entitled to an income-based jobseeker's allowance]; ^{F10} ...
 - [^{F11}(g) if he is a member of a [^{F12}couple], the other member of the couple is not entitled to state pension credit][^{F13}; and
 - (h) he is not entitled to an employment and support allowance and, if he is a member of a couple, the other member of the couple is not entitled to an income-related employment and support allowance].

[^{F14}(1A) Regulations under paragraph (e) of subsection (1) must secure that a person who—

- (a) is not a member of a couple, and

Status: Point in time view as at 16/01/2017.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 123 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) is responsible for, and a member of the same household as, a child under the age of ^[F15], falls within a category of person prescribed under that paragraph.
- (1B) Subsection (1A) does not apply if regulations under paragraph (4)(c) of Article 3A of the Jobseekers (Northern Ireland) Order 1995 containing the provision mentioned in paragraph (5) of that Article are in operation.]
- (2) In subsection (1)(a) above “period” includes—
- (a) a period of a determinate length;
 - (b) a period defined by reference to the happening of a future event; and
 - (c) a period of a determinate length but subject to earlier determination upon the happening of a future event.
- (3) Circumstances may be prescribed in which a person must not only satisfy the condition specified in subsection (1)(d)(i) above but also be registered in the prescribed manner for employment.
- (4) Subject to subsection (5) below, where a person is entitled to income support, then—
- (a) if he has no income, the amount shall be the applicable amount; and
 - (b) if he has income, the amount shall be the difference between his income and the applicable amount.
- (5) Where a person is entitled to income support for a period to which this subsection applies, the amount payable for that period shall be calculated in such manner as may be prescribed.
- (6) Subsection (5) above applies—
- (a) to a period of less than a week which is the whole period for which income support is payable; and
 - (b) to any other period of less than a week for which it is payable.
- ^[F16](7) In this section, “income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance).]

Textual Amendments

- F1** S. 123(1)(a) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 13(2)**; S.R. 1996/401, **art. 2**
- F2** S. 123(1)(aa) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), ss. 14, 21(2), **Sch. 2 para. 2(a)**; S.R. 2002/366, **art. 2(1)(I)**; S.R. 2003/373, **art. 2**
- F3** Word in s. 123(1)(c) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 96**; S.I. 2005/3255, art. 2(1), **Sch.**
- F4** Word in s. 123(1)(c) repealed (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1)(2), **Sch. 2 para. 13(3), Sch. 3**; S.R. 1996/401, **art. 2**
- F5** S. 123(1)(d) substituted (7.10.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 13(4)**; S.R. 1996/401, **art. 2**
- F6** S. 123(1)(e)(f) inserted (5.2.1996 for the purpose only of authorising the making of regulations and 7.10.1996 otherwise) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 13(5)**; S.R. 1996/26, art. 2(b), **Sch.**; S.R. 1996/401, **art. 2**

Status: Point in time view as at 16/01/2017.

Changes to legislation: *Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 123 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F7** Word in s. 123(1) repealed (6.10.2003) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), s. 21(2), **Sch. 3**; S.R. 2003/373, art. 2
- F8** Word in s. 123(1)(f) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 96**; S.I. 2005/3255, art. 2(1), Sch.
- F9** Words in s. 123(1)(f) inserted (19.3.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 26**; S.R. 2001/114, **art. 4(a)**
- F10** Word in s. 123(1) repealed (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 8**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F11** S. 123(1)(g) and preceding word added (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), ss. 14, 21(2), **Sch. 2 para. 2(a)**; S.R. 2002/366, **art. 2(1)(l)**; S.R. 2003/373, **art. 2**
- F12** Word in s. 123(1)(g) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 96**; S.I. 2005/3255, art. 2(1), Sch.
- F13** S. 123(1)(h) and preceding word added (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 3(9)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2
- F14** S. 123(1A)(1B) inserted (13.8.2010) by Welfare Reform Act (Northern Ireland) 2010 (c. 13), **ss. 3(1), 36(1)(b)**
- F15** Figure in s. 123(1A)(b) substituted (16.1.2017) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), arts. 2(2), **64(1)**; S.R. 2016/46, art. 5(b)
- F16** S. 123(7) added (27.10.2008) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 3(10)**; S.R. 2008/276, art. 2(2)(d), Sch. Pt. 2

Modifications etc. (not altering text)

- C1** S. 123(1)(e) modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), **arts. 1(3), 73(8)(d)**

Status:

Point in time view as at 16/01/2017.

Changes to legislation:

Social Security Contributions and Benefits (Northern Ireland) Act 1992, Section 123 is up to date with all changes known to be in force on or before 05 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.