

2000 No. 705

IMMIGRATION

The Immigration (Eligibility for Assistance) (Scotland and Northern Ireland) Regulations 2000

Made - - - - - 6th March 2000
Laid before Parliament 13th March 2000
Coming into force 3rd April 2000

In exercise of the powers conferred on him by sections 115(3) and (4), 122(11), 166 and 167 of the Immigration and Asylum Act 1999(a), the Secretary of State hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Immigration (Eligibility for Assistance) (Scotland and Northern Ireland) Regulations 2000 and shall come into force on 3rd April 2000.

- (2) In these Regulations, “the 1999 Act” means the Immigration and Asylum Act 1999.
(3) Regulation 3 does not extend to Northern Ireland.
(4) Regulation 4 does not extend to Scotland.

Eligibility for social assistance—Scotland and Northern Ireland

2.—(1) Subject to paragraphs (2) and (3), any asylum-seeker who made a claim for asylum before 3rd April 2000 and any dependant(b) of such an asylum-seeker shall be treated—

- (a) in Scotland, for the purposes prescribed by regulation 3 only;
(b) in Northern Ireland, for the purposes prescribed by regulation 4 only;

as not being a person to whom section 115 of the 1999 Act (exclusion from benefits of persons subject to immigration control) applies.

(2) Paragraph (1)(a) does not apply where the person who made the claim for asylum is a person who, by virtue of regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000(c) is not excluded by section 115(1) of the 1999 Act from entitlement to—

- (a) income-based jobseeker’s allowance under the Jobseekers Act 1995(d); or
(b) income support, housing benefit or council tax benefit under the Social Security Contributions and Benefits Act 1992(e).

(3) Paragraph (1)(b) does not apply where the person who made the claim for asylum is a person, who by virtue of regulation 2 of the Social Security (Immigration and Asylum)

(a) 1999 c. 33.

(b) See section 94(1) of the Immigration and Asylum Act 1999 and regulation 2 of the Asylum Support Regulations 2000 (S.I. 2000/704).

(c) S.I. 2000/636.

(d) 1995 c. 18.

(e) 1992 c. 4.

Consequential Amendments Regulations (Northern Ireland) 2000(a) is not excluded by section 115(2) of the 1999 Act from entitlement to—

- (a) income-based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995(b); or
- (b) income support or housing benefit under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(c).

Eligibility for social assistance—Scottish provisions

3. Regulation 2(1)(a) applies only for the purposes of the following provisions—

- (a) sections 12, 13A and 13B of the Social Work (Scotland) Act 1968(d);
- (b) sections 7 and 8 of the Mental Health (Scotland) Act 1984(e).

Eligibility for social assistance—Northern Ireland provisions

4. Regulation 2(1)(b) applies only for the purposes of Articles 7 and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(f).

Eligibility for support for children—Scotland and Northern Ireland

5. Subsection (5) of section 122 of the 1999 Act (support for children) does not apply in relation to any person or family in respect of whom or which a relevant authority was, immediately before 3rd April 2000, providing assistance under—

- (a) section 22 of the Children (Scotland) Act 1995 (local authority support in Scotland for children and their families(g)); or
- (b) Article 18 of the Children (Northern Ireland) Order 1995 (equivalent provision for Northern Ireland)(h).

Home Office
6th March 2000

Barbara Roche
Minister of State

(a) S.R. 2000 No. 71.

(b) S.I. 1995/2705 (N.I. 15).

(c) 1992 c. 7.

(d) 1968 c. 49. Sections 12, 13A and 13B were amended by subsections (1) to (3) of section 120 of the Immigration and Asylum Act 1999. Sections 13A and 13B were inserted by section 56 of the National Health Service and Community Care Act 1990 (c. 19).

(e) 1984 c. 36. Sections 7 and 8 were amended by subsections (4) and (5) of section 120 of the Immigration and Asylum Act 1999.

(f) S.I. 1972/1265 (N.I. 14). Articles 7 and 15 were amended by subsections (1) and (2) of section 121 of the Immigration and Asylum Act 1999.

(g) 1995 c. 36.

(h) S.I. 1995/755 (N.I. 2).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that, for specified purposes, section 115 of the Immigration and Asylum Act 1999 (exclusion from benefit) does not apply in Scotland or Northern Ireland on and after 3rd April 2000 to certain people who, until that date, were not eligible for certain social security benefits but were eligible for assistance under the Social Work (Scotland) Act 1968, the Mental Health (Scotland) Act 1984 or the Health and Personal Social Services (Northern Ireland) Order 1972. The effect of these Regulations is to preserve that eligibility on and after that date.

These Regulations also preserve eligibility for assistance under child welfare provisions in Scotland and Northern Ireland to those in receipt of such assistance immediately before 3rd April 2000.

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**The Immigration (Eligibility for Assistance) (Scotland and
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