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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 82**

**The Social Security Benefits Up-rating Order (Northern Ireland) 2005**

**PART III**

**INCOME SUPPORT AND HOUSING BENEFIT**

**Applicable amounts for income support**

**16.**—(1) The sums relevant to the calculation of an applicable amount as specified in the Income Support Regulations<sup>(1)</sup> shall be the sums set out in the following provisions of this Article and Schedules 2 to 5 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Income Support Regulations bearing that number.

(2) In regulations 17(1)(b), 18(1)(c), 21(1) and 71(1)(a)(ii) and (d)(i) and paragraphs 13A(2)(a)(2) and 14(a) of Part III of Schedule 2, the sum specified is in each case £3,000.

(3) The sums specified in Part I of Schedule 2 (applicable amounts: personal allowances) shall be as set out in Schedule 2 to this Order.

(4) In paragraph 3 of Part II of Schedule 2(3) (applicable amounts: family premium) –

(a) in sub-paragraph (1)(a) for “£15·95” there shall be substituted “£16·10”; and

(b) in sub-paragraph (1)(b) for “£15·95” there shall be substituted “£16·10”.

(5) The sums specified in Part IV of Schedule 2 (applicable amounts: weekly amounts of premiums) shall be as set out in Schedule 3 to this Order.

(6) In paragraph 18 of Schedule 3(4) (housing costs: non-dependant deductions) –

(a) in sub-paragraph (1) the sums of £47·75 and £7·40 remain the same;

(b) in sub-paragraph (2)(a) for “£97·00” there shall be substituted “£101·00”;

(c) in sub-paragraph (2)(b) for “£97·00” and “£144·00” there shall be substituted “£101·00” and “£150·00” respectively and the sum of £17·00 remains the same;

(d) in sub-paragraph (2)(c) for “£144·00” and “£186·00” there shall be substituted “£150·00” and “£194·00” respectively and the sum of £23·35 remains the same;

(e) in sub-paragraph (2)(d) for “£186·00” and “£247·00” there shall be substituted “£194·00” and “£258·00” respectively and the sum of £38·20 remains the same; and

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(1) See [S.R. 2003 No. 195](#) which omits provisions relating to children and young persons and makes transitional arrangements in connection with the introduction of child tax credit

(2) Paragraph 13A was inserted by regulation 2(c)(ii) of [S.R. 2000 No. 367](#) and amended by regulation 24(5)(f) of [S.R. 2003 No. 191](#) and regulation 3(3) of [S.R. 2003 No. 261](#)

(3) Paragraph 3 was amended by regulation 18 of [S.R. 1988 No. 318](#), regulation 5(4)(a) of [S.R. 1996 No. 288](#) and regulation 8 of [S.R. 1998 No. 112](#)

(4) Schedule 3 was substituted by Schedule 1 to [S.R. 1995 No. 301](#) and paragraph 18 was amended by regulation 2(3)(j) of [S.R. 1995 No. 434](#), regulation 3 of [S.R. 1997 No. 3](#), regulation 3 of [S.R. 1997 No. 165](#), Article 7(2) of [S.R. 1999 No. 472 \(C. 36\)](#) and regulation 24(6)(e) of [S.R. 2003 No. 191](#)

(f) in sub-paragraph (2)(e) for “£247·00” and “£308·00” there shall be substituted “£258·00” and “£322·00” respectively and the sum of £43·50 remains the same.

(7) Those sums relevant to the calculation of an applicable amount which are specified in Schedule 7 (applicable amounts in special cases) shall be as set out in Schedule 4 to this Order.

(8) The sums specified in any provision of the Income Support Regulations set out in column (1) of Schedule 5 to this Order are the sums set out in column (2) of that Schedule.

(9) In paragraph 19(b) of Schedule 9(5) (sums to be disregarded in the calculation of income other than earnings) for “£9·80” there shall be substituted “£10·55”.

### **Income support transitional protection**

17. Sums which are special transitional additions to income support payable in accordance with regulation 15 of the Income Support (Transitional) Regulations (Northern Ireland) 1987(6) shall be increased by 1 per cent. of their amount apart from this Order.

### **Relevant sum for income support**

18. In section 125(7) of the Contributions and Benefits Act (trade disputes) for “£30·00” there shall be substituted “£30·50”.

### **Housing benefit**

19.—(1) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this Article and Schedules 6 and 7 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Housing Benefit Regulations bearing that number.

(2) In regulations 16(b) and 17(c) and paragraphs 13A(2)(a)(7) and 14(a) of Part III of Schedule 2 the sum specified is in each case £3,000.

(3) In regulation 18(1)(8) (patients) –

- (a) in sub-paragraphs (a), (b) and (d)(ii) for “£19·90” there shall be substituted “£20·50”;
- (b) in sub-paragraphs (c)(i) and (d)(i) for “£15·90” there shall be substituted “£16·40”;
- (c) in sub-paragraph (c)(ii) for “£39·80” there shall be substituted “£41·00”.

(4) In regulation 21(1A)(9) (calculation of income on a weekly basis) –

- (a) in sub-paragraph (a) for “£135·00” there shall be substituted “£175·00”; and
- (b) in sub-paragraph (b) for “£200” there shall be substituted “£300”.

(5) In regulation 63 (non-dependant deductions) –

- (a) in paragraph (1) the sums of £47·75, £6·95, £7·40 and £2·30 remain the same; and
- (b) in paragraph (2) –
  - (i) in sub-paragraph (a) for “£97·00” there shall be substituted “£101·00”;
  - (ii) in sub-paragraph (b) for “£97·00” and “£144·00” there shall be substituted “£101·00” and “£150·00” respectively and the sum of £17·00 remains the same,

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(5) Paragraph 19 was substituted by regulation 4(9)(b) of S.R. 1994 No. 77 and amended by regulation 2(12)(c) of S.R. 1995 No. 86

(6) S.R. 1987 No. 460; relevant amending regulations are S.R. 1988 Nos. 132 and 153, S.R. 1989 No. 371 and S.R. 1991 No. 341

(7) Paragraph 13A was inserted by regulation 3(b)(ii) of S.R. 2000 No. 367 and amended by regulation 4(5) of S.R. 2003 No. 261

(8) Regulation 18(1) was amended by regulation 7(c) of S.R. 1996 No. 448 and regulation 4(3) of S.R. 2003 No. 261

(9) Paragraph (1A) was inserted by regulation 2(3) of S.R. 1997 No. 515 and amended by regulation 2 of S.R. 2001 No. 259

- (iii) in sub-paragraph (c) for “£144·00” and “£186·00” there shall be substituted “£150·00” and “£194·00” respectively and the sum of £23·35 remains the same,
  - (iv) in sub-paragraph (ca)(**10**) for “£186·00” and “£247·00” there shall be substituted “£194·00” and “£258·00” respectively and the sum of £38·20 remains the same,
  - (v) in sub-paragraph (cb) for “£247·00” and “£308·00” there shall be substituted “£258·00” and “£322·00” respectively and the sum of £43·50 remains the same,
  - (vi) in sub-paragraph (d)(**11**) for “£144·00” there shall be substituted “£150·00”,
  - (vii) in sub-paragraph (e)(**12**) for “£144·00” and “£247·00” there shall be substituted “£150·00” and “£258·00” respectively and the sum of £4·60 remains the same, and
  - (viii) in sub-paragraph (f) for “£247·00” and “£308·00” there shall be substituted “£258·00” and “£322·00” respectively and the sum of £5·80 remains the same.
- (6) In Schedule 1 (ineligible service charges) –
- (a) in paragraph 1A(**13**) for “£19·85”, “£19·85”, “£10·05”, “£13·20”, “£13·20” and “£6·65” there shall be substituted “£20·05”, “£20·05”, “£10·15”, “£13·35”, “£13·35” and “£6·70” respectively and the sum of £2·45 remains the same; and
  - (b) in paragraph 5 –
    - (i) in sub-paragraph (2)(a) for “£9·80” there shall be substituted “£10·55”,
    - (ii) in sub-paragraph (2)(b) and (d) for “£1·20” there shall be substituted “£1·25”, and
    - (iii) in sub-paragraph (2)(c) for “£0·80” there shall be substituted “£0·85”.
- (7) The sums specified in Part I of Schedule 2(**14**) (applicable amounts: personal allowances) shall be as set out in Schedule 6 to this Order.
- (8) In paragraph 3 of Part II of Schedule 2(**15**) (applicable amounts: family premium) –
- (a) in sub-paragraph (1)(a) the sum of £22·20 remains the same;
  - (b) in sub-paragraph (1)(b) for “£15·95” there shall be substituted “£16·10”; and
  - (c) in sub-paragraph (1A) the sum of £10·50 remains the same.
- (9) The sums specified in Part IV of Schedule 2(**16**) (applicable amounts: amounts of premiums) shall be as set out in Schedule 7 to this Order.
- (10) In paragraph 16(1) and (3)(c) of Schedule 3(**17**) (sums to be disregarded in the calculation of earnings) for “£12·32” there shall be substituted “£14·50”.
- (11) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) –
- (a) in paragraph 22(b)(**18**) for “£9·80” there shall be substituted “£10·55”; and

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(10) Sub-paragraphs (ca) and (cb) were inserted by regulation 2(b) of S.R. 1997 No. 3

(11) Sub-paragraph (d) was added by regulation 7(b)(iii) of S.R. 1992 No. 549

(12) Sub-paragraphs (e) and (f) were added by regulation 2(c) of S.R. 1997 No. 3

(13) Paragraph 1A was inserted by regulation 7(b) of S.R. 1988 No. 314 and sub-paragraphs (2) and (3) were amended by regulation 14 of S.R. 1997 No. 22

(14) Part I was substituted by Schedule 1 to S.R. 1998 No. 73 and amended by regulation 2(1)(b) of S.R. 1999 No. 382

(15) In paragraph 3 sub-paragraph (1) was amended by regulation 6(a) of S.R. 1997 No. 4, regulation 5(a) of S.R. 1998 No. 112 and paragraph 9(a) of Schedule 2 to S.R. 2003 No. 1 and sub-paragraph (1A) was inserted by paragraph 9(b) of Schedule 2 to S.R. 2003 No. 1

(16) Part IV was substituted by Schedule 2 to S.R. 1998 No. 73 and amended by regulation 4(2)(c) of S.R. 2000 No. 260, regulation 3(b)(iii) of S.R. 2000 No. 367 and paragraph 1 of the Schedule to S.R. 2002 No. 323

(17) Paragraph 16 was substituted by paragraph 10 of Schedule 2 to S.R. 2003 No. 1 and amended by regulation 2(a) of S.R. 2003 No. 196 and regulation 2(2) of S.R. 2004 No. 47

(18) Paragraph 22 was substituted by regulation 11(a) of S.R. 1994 No. 88

(b) in paragraph 61(19) for “£12·32” there shall be substituted “£14·50”.

### **Housing benefit for certain persons over the qualifying age for state pension credit**

**20.**—(1) This Article applies to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(20) (“the 2003 Regulations”) applies and references in this Article to the Housing Benefit Regulations are to those Regulations as modified by the 2003 Regulations in their application to those persons.

(2) The sums relevant to the calculation of an applicable amount as specified in the Housing Benefit Regulations shall be the sums set out in the following provisions of this Article and Schedules 8 and 9 to this Order; and for this purpose a reference in this Article to a numbered regulation or Schedule is a reference to the regulation of, or Schedule to, the Housing Benefit Regulations bearing that number.

(3) In regulation 16(3)(a)(21) (applicable amounts) “20 per cent.” remains the same.

(4) In regulation 26(3) (calculation of income on a weekly basis) –

(a) in sub-paragraph (a) for “£135·00” there shall be substituted “£175·00”; and

(b) in sub-paragraph (b) for “£200” there shall be substituted “£300”.

(5) The sums specified in Part I of Schedule 2A(22) (applicable amounts: personal allowances) shall be as set out in Schedule 8 to this Order.

(6) In paragraph 3 of Part II of Schedule 2A (applicable amounts: family premium) –

(a) in sub-paragraph (1) for “£15·95” there shall be substituted “£16·10”; and

(b) in sub-paragraph (2) the sum of £10·50 remains the same.

(7) The sums specified in Part IV of Schedule 2A (applicable amounts: amounts of premiums specified in Part III) shall be as set out in Schedule 9 to this Order.

(8) In paragraph 9(1) and (3)(c) of Schedule 3A(23) (sums disregarded from claimant’s earnings) for “£12·32” there shall be substituted “£14·50”.

(9) In paragraph 22 of Schedule 4A(24) (amounts to be disregarded in the calculation of income other than earnings) for “£12·32” there shall be substituted “£14·50”.

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(19) Paragraph 61 was substituted by regulation 4 of S.R. 1996 No. 93, and amended by regulation 6 of S.R. 1999 No. 298, paragraph 11(b) of Schedule 2 to S.R. 2003 No. 1, regulation 2(b) of S.R. 2003 No. 196, regulation 3(3) of S.R. 2003 No. 338 and regulation 2(3) of S.R. 2004 No. 47

(20) S.R. 2003 No. 197; relevant amending regulations are S.R. 2003 Nos. 261 and 418

(21) Regulation 16(3)(a) was amended by regulation 4(2)(b) of S.R. 2003 No. 261

(22) Schedule 2A was inserted by regulation 6(2) of S.R. 2003 No. 197

(23) Schedule 3A was inserted by paragraph 1(a) of Schedule 2 to S.R. 2003 No. 197 and paragraph 9 was amended by regulation 2(14)(a) of S.R. 2003 No. 418

(24) Schedule 4A was inserted by paragraph 1(b) of Schedule 2 to S.R. 2003 No. 197 and paragraph 22 was amended by regulation 2(14)(b)(ii) of S.R. 2003 No. 418