

## 1989 No. 366

**HOUSING; RATES; SOCIAL SECURITY****The Family Credit, Housing Benefit and Income Support  
(General) (Amendment) Regulations (Northern Ireland) 1989**

*Made* . . . . . 11th September 1989

*Coming into operation* . . . . . 1st October 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 23(8) and (9)(b) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, and with the consent of the Department of the Environment(b), so far as relates to matters with regard to which such consent is required, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Family Credit, Housing Benefit and Income Support (General) (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 1st October 1989.

(2) In these regulations—

“the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987(c);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(d);

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987(e).

*Amendment of Schedule 2 to the Family Credit Regulations*

2. In Schedule 2 to the Family Credit Regulations (sums to be disregarded in the calculation of income other than earnings) in paragraph 22 for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) Any payment made to the claimant in respect of a child or young person who is a member of his family—

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- (a) S.I. 1986/1888 (N.I. 18); Article 81(1) provides for section 155(1) to (3A) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the enabling provisions under which these regulations are made; section 155 (3A) was inserted by Article 63(1)
- (b) See Article 81(5) of the Social Security (Northern Ireland) Order 1986
- (c) S.R. 1987 No. 463, to which there are amendments not relevant to these regulations
- (d) S.R. 1987 No. 461, to which there are amendments not relevant to these regulations
- (e) S.R. 1987 No. 459, to which there are amendments not relevant to these regulations

- (a) in accordance with a scheme approved by the Department under Article 59(4) of the Adoption (Northern Ireland) Order 1987(a) (schemes for payments of allowances to adopters);
- (b) in accordance with a scheme approved by the Secretary of State under section 57(4) of the Adoption Act 1976(b) or, as the case may be, section 51(5) of the Adoption (Scotland) Act 1978(c) (schemes for payments of allowances to adopters);
- (c) which is a payment made by a local authority, as defined in section 107 of the Children Act 1975(d) in pursuance of section 34(6) or, as the case may be, section 50 thereof (contributions to a custodian towards the cost of the accommodation and maintenance of a child),

to the extent specified in sub-paragraph (2).”.

#### *Amendment of Schedule 4 to the Housing Benefit Regulations*

3. In Schedule 4 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) in paragraph 25 for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) Any payment made to the claimant in respect of a child or young person who is a member of his family—

- (a) in accordance with a scheme approved by the Department under Article 59(4) of the Adoption (Northern Ireland) Order 1987 (schemes for payments of allowances to adopters);
- (b) in accordance with a scheme approved by the Secretary of State under section 57(4) of the Adoption Act 1976 or, as the case may be, section 51(5) of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters);
- (c) which is a payment made by a local authority, as defined in section 107 of the Children Act 1975 in pursuance of section 34(6) or, as the case may be, section 50 thereof (contributions to a custodian towards the cost of the accommodation and maintenance of a child),

to the extent specified in sub-paragraph (2).”.

#### *Amendment of Schedule 9 to the Income Support Regulations*

4. In Schedule 9 to the Income Support Regulations (sums to be disregarded in the calculation of income other than earnings) in paragraph 25 for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) Any payment made to the claimant in respect of a child or young person who is a member of his family—

- (a) in accordance with a scheme approved by the Department under Article 59(4) of the Adoption (Northern Ireland) Order 1987 (schemes for payments of allowances to adopters);

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(a) S.I. 1987/2203 (N.I. 22)

(b) 1976 c. 36

(c) 1978 c. 28

(d) 1975 c. 72; section 34 was substituted by section 64 of the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- (b) in accordance with a scheme approved by the Secretary of State under section 57(4) of the Adoption Act 1976 or, as the case may be, section 51(5) of the Adoption (Scotland) Act 1978 (schemes for payments of allowances to adopters);
  - (c) which is a payment made by a local authority, as defined in section 107 of the Children Act 1975 in pursuance of section 34(6) or, as the case may be, section 50 thereof (contributions to a custodian towards the cost of the accommodation and maintenance of a child),
- to the extent specified in sub-paragraph (2).”.

Sealed with the Official Seal of the Department of Health and Social Services on 11th September 1989.

(L.S.)

*A. N. Burns*

Assistant Secretary

The Department of the Environment hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment on 11th September 1989.

(L.S.)

*W. N. Campbell*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Family Credit (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987 and the Income Support (General) Regulations (Northern Ireland) 1987. They provide for payments of allowances to adopters under approved schemes to be disregarded in the calculation of income.

These amendments result from the provision for such schemes in Northern Ireland by the Adoption (Northern Ireland) Order 1987 which is brought into operation on 1st October 1989 by the Adoption (1987 Order) (Commencement) Order (Northern Ireland) 1989 (S.R. 1989 No. 252 (C. 8)).

The regulations correspond to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

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**1989 No. 367**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.