

1990 No. 33

HOUSING; RATES; SOCIAL SECURITY

**The Family Credit, Housing Benefit and Income Support
(General) (Amendment) Regulations
(Northern Ireland) 1990**

Made 30th January 1990

Coming into operation 31st January 1990

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 21(1), 23(8), (9)(a) to (c) and 52(1)(h) 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) 1990 and shall come into operation on 31st January 1990.

(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); and

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

Amendment of the Family Credit Regulations

2.—(1) The Family Credit Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “the Macfarlane Trust” there shall be inserted the following definition—

“ “the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided

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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; the relevant amending regulations are S.R. 1988 Nos. 131, 205, 303 and 423
- (d) S.R. 1987 No. 461; the relevant amending regulations are S.R. 1988 Nos. 117, 314 and 424
- (e) S.R. 1987 No. 459; the relevant amending regulations are S.R. 1988 Nos. 146, 205, 318 and 431 and S.R. 1989 No. 139

by the Secretary of State for Social Security, for the benefit of certain persons suffering from haemophilia;”.

(3) In the following provisions after “the Macfarlane Trust” there shall be inserted “, the Macfarlane (Special Payments) Trust”—

- (a) regulation 26(3) (notional income);
- (b) regulation 34(3) (notional capital);
- (c) paragraph 35 of Schedule 2 (sums to be disregarded in the calculation of income other than earnings); and
- (d) paragraph 23 of Schedule 3 (capital to be disregarded).

(4) In paragraph 31 of Schedule 3 at the end there shall be added “or under the Macfarlane (Special Payments) Trust”.

Amendment of the Housing Benefit Regulations

3.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) after the definition of “the Macfarlane Trust” there shall be inserted the following definition—

“ “the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State for Social Security, for the benefit of certain persons suffering from haemophilia;”.

(3) In the following provisions after “the Macfarlane Trust” there shall be inserted “, the Macfarlane (Special Payments) Trust”—

- (a) regulation 35(3) (notional income);
- (b) regulation 43(3) (notional capital);
- (c) paragraph 37 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings); and
- (d) paragraph 23 of Schedule 5 (capital to be disregarded).

(4) In regulation 73(1) (evidence and information) after “the Macfarlane Trust” there shall be inserted “or the Macfarlane (Special Payments) Trust”.

(5) In paragraph 32 of Schedule 5 at the end there shall be added “or under the Macfarlane (Special Payments) Trust”.

Amendment of the Income Support Regulations

4.—(1) The Income Support Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “the Macfarlane Trust” there shall be inserted the following definition—

“ “the Macfarlane (Special Payments) Trust” means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State for Social Security, for the benefit of certain persons suffering from haemophilia;”.

(3) In the following provisions after “the Macfarlane Trust” there shall be inserted “, the Macfarlane (Special Payments) Trust”—

- (a) regulation 42(4) (notional income);

- (b) regulation 48(10)(c) (income treated as capital);
 - (c) regulation 51(3) (notional capital);
 - (d) regulation 72(1)(a) (assessment of income and capital in urgent cases);
 - (e) paragraphs 21(2) and 39 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings); and
 - (f) paragraph 22 of Schedule 10 (capital to be disregarded).
- (4) In paragraph 29 of Schedule 10 at the end there shall be added “or under the Macfarlane (Special Payments) Trust”.

Sealed with the Official Seal of the Department of Health and Social Services on 30th January 1990.

(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 31st January 1990.

(L.S.)

J. Kirk

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Family Credit (General) Regulations (Northern Ireland) 1987, the Income Support (General) Regulations (Northern Ireland) 1987 and the Housing Benefit (General) Regulations (Northern Ireland) 1987 so that in calculating a claimant's income and capital for determining his entitlement to those benefits any payment made to haemophiliacs under the Macfarlane (Special Payments) Trust is to be disregarded.

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.