

1994 No. 474

SOCIAL SECURITY

**The Income-Related Benefits (Miscellaneous Amendments
No. 6) Regulations (Northern Ireland) 1994**

Made 2nd December 1994

Coming into operation 2nd December 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 131(1) and (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and of all other powers enabling it in that behalf, with the consent of the Department of the Environment for Northern Ireland(b) so far as it relates to matters with regard to which consent is required, without having referred any proposals on the matter to the Social Security Advisory Committee since it appears to the Department of Health and Social Services for Northern Ireland that by reason of the urgency of the matter it is inexpedient to do so(c), hereby makes the following regulations:

Citation and interpretation

1.—(1) These regulations may be cited as the Income-Related Benefits (Miscellaneous Amendments No. 6) Regulations (Northern Ireland) 1994.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(e) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (definition of non-dependant) at the end there shall be added “or with whom a claimant normally resides”.

(3) In Schedule 2 (applicable amounts) in paragraph 13(2)(a)(ii) and (2)(b)(iii) for “residing with him” there shall be substituted “normally residing with him or with whom he is normally residing,”.

(a) 1992 c. 7

(b) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8))

(c) See section 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(d) 1954 c. 33 (N.I.)

(e) S.R. 1987 No. 459; relevant amending regulations are S.R. 1989 Nos. 139 and 395, S.R. 1991 No. 474, S.R. 1992 No. 6 and S.R. 1993 No. 218

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(a) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (definition of non-dependant) at the end there shall be added “or with whom a claimant normally resides”.

(3) In Schedule 2 (applicable amounts) in paragraph 13(2)(a)(ii) and (2)(b)(iii) for “residing with him” there shall be substituted “normally residing with him or with whom he is normally residing”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 2nd December 1994.

(L.S.)

W. G. Purdy

Assistant Secretary

The Department of the Environment for Northern Ireland hereby consents to regulation 3 of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 2nd December 1994.

(L.S.)

R. E. Aiken

Assistant Secretary

(a) S.R. 1987 No. 461; relevant amending regulations are S.R. 1989 No. 125, S.R. 1990 Nos. 136 and 345, S.R. 1992 No. 6 and S.R. 1993 No. 218

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Income Support (General) Regulations (Northern Ireland) 1987 and the Housing Benefit (General) Regulations (Northern Ireland) 1987. They amend the definition of non-dependant and the conditions to be satisfied for a claimant for income support and housing benefit to be entitled to a severe disability premium.

In so far as these regulations are required, for the purposes of regulation 3, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), ("the 1992 Act"), they have not been so referred by virtue of section 150(1)(a) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding 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 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.