
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 324

**The Social Security (Welfare to Work)
Regulations (Northern Ireland) 1998**

Part III

Other Amendments

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations

5. After regulation 3 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(1) (provisions applying after election) there shall be inserted the following regulation—

“Calculating periods of incapacity for work for welfare to work beneficiaries entitled to an addition to long-term incapacity benefit

3A. Section 47(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(2) (increase of Category A retirement pension for long-term incapacity) shall have effect, in any case where a person is treated in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 as a welfare to work beneficiary, as if for the reference to 8 weeks there were substituted a reference to 52 weeks.”.

Amendment of the Statutory Sick Pay (General) Regulations

6. In regulation 3 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(3) (period of entitlement ending or not arising) after paragraph (2) there shall be inserted the following paragraph—

“(2A) A period of entitlement in respect of an employee who was entitled to incapacity benefit, maternity allowance or severe disablement allowance shall not arise in relation to any day within a period of incapacity for work beginning with the first day on which paragraph 2(d) of Schedule 11 to the Contributions and Benefits Act(4) ceases to have effect where the employee in question is a person to whom regulation 13A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (welfare to work beneficiary) applies.”.

(1) [S.R. 1979 No. 243](#), to which there are amendments not relevant to these regulations
(2) Section 47 was amended by paragraph 33 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49) and paragraph 13 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994
(3) [S.R. 1982 No. 263](#); relevant amending regulations are [S.R. 1986 No. 83](#), [S.R. 1987 No. 248](#) and [S.R. 1994 No. 191](#)
(4) Paragraph 2(d) was substituted by paragraph 42(2) of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

Amendment of the Social Security (Severe Disablement Allowance) Regulations

7.—(1) The Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984⁽⁵⁾ shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 7⁽⁶⁾ (days for which persons are to be regarded as incapable of work for the purposes of severe disablement allowance) after paragraph (1A) there shall be inserted the following paragraph—

“(1B) For the purposes of severe disablement allowance, a person shall be treated as incapable of work on any day in a period, consisting of a cumulative number of days of incapacity for work not exceeding 91 days in total for which he makes a claim for severe disablement allowance, beginning within a linking term and ending on a day not later than 13 weeks from the end of that linking term in respect of which he has been determined to be a person who is a welfare to work beneficiary; and in this paragraph “linking term” and “welfare to work beneficiary” have the meanings given in regulation 13A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (welfare to work beneficiary).”.

(3) In regulation 10⁽⁷⁾ (adjudication)—

(a) in paragraph (1) after sub-paragraph (h) there shall be inserted the following sub-paragraph—

“(hh) subject to paragraph (2B) and during the period referred to in regulation 7(1B), evidence that he has been determined on that day to be a welfare to work beneficiary in accordance with regulation 13A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995; or”; and

(b) after paragraph (2A) there shall be inserted the following paragraph—

“(2B) Paragraph (1)(hh) shall not apply to a welfare to work beneficiary who, in his immediate past period of incapacity for work within the meaning of regulation 13A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995, was not assessed to be disabled in accordance with section 68(6) of the Contributions and Benefits Act.”.

Amendment of the Income Support (General) Regulations

8.—(1) The Income Support (General) Regulations (Northern Ireland) 1987⁽⁸⁾ shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “voluntary organisation”⁽⁹⁾ there shall be inserted the following definition—

““welfare to work beneficiary” means a person—

- (a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 applies; and
- (b) who again becomes incapable for work for the purposes of Part XIIA of the Contributions and Benefits Act⁽¹⁰⁾;”.

⁽⁵⁾ S.R. 1984 No. 317; relevant amending regulations are S.R. 1986 No. 337, S.R. 1994 Nos. 370 and 462 and S.R. 1997 No. 174

⁽⁶⁾ Regulation 7 was amended by regulation 2(5) of S.R. 1994 No. 462

⁽⁷⁾ Regulation 10 was amended by regulation 2(3) of S.R. 1986 No. 337 and regulation 2 of S.R. 1997 No. 174

⁽⁸⁾ S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 Nos. 146 and 431, S.R. 1989 No. 395, S.R. 1990 No. 387, S.R. 1992 Nos. 6 and 147, S.R. 1993 No. 73, S.R. 1994 No. 327, S.R. 1995 Nos. 67, 86, 301, 367 and 434, S.R. 1996 Nos. 199 and 405, S.R. 1997 No. 541 and S.R. 1998 No. 182

⁽⁹⁾ The definition of “voluntary organisation” was inserted by regulation 2(2) of S.R. 1995 No. 86

⁽¹⁰⁾ Part XIIA was inserted by Articles 7 and 8 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

- (3) In Schedule 2 (applicable amounts)—
- (a) in paragraph 10(**11**) (higher pensioner premium) after sub-paragraph (3) there shall be added the following sub-paragraph—
- “(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii) and (3)(b) to a period of 8 weeks shall be treated as references to a period of 52 weeks.”;
- (b) in paragraph 12(**12**) (additional condition for the higher pensioner and disability premiums) after sub-paragraph (1) there shall be inserted the following sub-paragraph—
- “(1A) In the case of a claimant who is a welfare to work beneficiary, the reference in sub-paragraph (1)(b) to a period of 56 days shall be treated as a reference to a period of 52 weeks.”.
- (4) In Schedule 3(**13**) (housing costs)—
- (a) in paragraph 7(**14**) (transitional protection) after sub-paragraph (9) there shall be added the following sub-paragraph—
- “(10) In the case of a person who is a welfare to work beneficiary, the references in sub-paragraphs (5)(c) and (7) to a period of 12 weeks shall be treated as references to a period of 52 weeks.”; and
- (b) in paragraph 14(**15**) (linking rule) after sub-paragraph (9) there shall be added the following sub-paragraph—
- “(10) In the case of a person who is a welfare to work beneficiary, the references in sub-paragraphs (1)(a)(ii), (1)(d) and (1)(f)(iii) to a period of 12 weeks shall be treated as references to a period of 52 weeks.”.

Amendment of the Housing Benefit (General) Regulations

- 9.** In Schedule 2 to the Housing Benefit (General) Regulations (Northern Ireland) 1987(**16**) (applicable amounts)—
- (a) in paragraph 10 (higher pensioner premium) after sub-paragraph (3) there shall be added the following sub-paragraphs—
- “(4) In the case of a claimant who is a welfare to work beneficiary, references in sub-paragraphs (1)(b)(ii), (2)(b)(ii) and (3)(b) to a period of 8 weeks shall be treated as references to a period of 52 weeks.
- (5) A person is a welfare to work beneficiary if he is a person—
- (a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 applies; and
- (b) who again becomes incapable of work for the purposes of Part XIII A of the Contributions and Benefits Act.”; and

(11) Paragraph 10 was amended by regulation 30(a) of S.R. 1988 No. 146 and regulation 10 of S.R. 1992 No. 147

(12) Paragraph 12 was amended by regulation 30(c) of S.R. 1988 No. 146, regulation 15(b) of S.R. 1988 No. 431, regulation 6(e) of S.R. 1989 No. 395, regulation 3(5)(b) of S.R. 1990 No. 387, regulation 10(4)(b) of S.R. 1992 No. 6, regulation 2(9)(a) of S.R. 1994 No. 327, regulation 2(12) of S.R. 1995 No. 67, regulation 2(9) of S.R. 1995 No. 86 and regulation 2(8) of S.R. 1995 No. 367

(13) Schedule 3 was substituted by Schedule 1 to S.R. 1995 No. 301

(14) Paragraph 7(7) was amended by regulation 2(3)(e) of S.R. 1995 No. 434

(15) Paragraph 14 was amended by regulation 2(3)(i) of S.R. 1995 No. 434, regulation 24(b) of S.R. 1996 No. 199, regulation 5(10)(b) of S.R. 1996 No. 405, regulation 16(3) of S.R. 1997 No. 541 and regulation 3(5) of S.R. 1998 No. 182

(16) S.R. 1987 No. 461; relevant amending regulations are S.R. 1988 No. 424, S.R. 1990 No. 136, S.R. 1992 No. 6, S.R. 1993 Nos. 381 and 414, S.R. 1994 No. 335, S.R. 1995 Nos. 89, 129 and 367

- (b) in paragraph 12(17) (additional condition for the higher pensioner and disability premiums) after sub-paragraph (7) there shall be added the following sub-paragraph—
- “(8) In the case of a claimant who is a welfare to work beneficiary (within the meaning of paragraph 10(5))—
- (a) in sub-paragraph (3) the reference to a period of 8 weeks; and
- (b) in sub-paragraph (6) the reference to a period of 56 days,
- shall be treated as a reference to a period of 52 weeks.”.

Amendment of the Housing Benefit (General) (Amendment No. 2) Regulations

10. In regulation 16 of the Housing Benefit (General) (Amendment No. 2) Regulations (Northern Ireland) 1996(18) (savings provisions)—

- (a) in paragraph (2)(b)—
- (i) the words “was either” shall be omitted;
- (ii) in heads (i) and (ii) “was” shall be inserted at the beginning, and
- (iii) after head (ii) there shall be added—
- “or
- (iii) is a person to whom paragraph (2A) applies.”;
- (b) after paragraph (2) there shall be inserted the following paragraph—
- “(2A) This paragraph applies in the case of a person (“the claimant”) who becomes, or whose partner becomes, a welfare to work beneficiary, and—
- (a) the claimant ceases to be entitled to housing benefit in respect of his residence in the dwelling he occupies as his home;
- (b) the claimant subsequently becomes re-entitled to housing benefit—
- (i) in respect of the same dwelling, or
- (ii) in respect of a different dwelling in a case to which paragraph (2)(a) (ii) applies, and
- (c) the first day of that entitlement is within 52 weeks of the claimant or his partner becoming a welfare to work beneficiary.”;
- (c) after paragraph (5A)(19) there shall be inserted the following paragraph—
- “(5B) Paragraphs (1) to (5A) shall continue to have effect in the case of a claimant who has ceased to be a welfare to work beneficiary or whose partner has ceased to be such a beneficiary where the claimant is entitled to housing benefit at the end of the 52 week period to which paragraph (2A)(c) refers.”; and
- (d) in paragraph (6)—
- (i) in the definition of “previous beneficiary”(20) in paragraph (b) after “housing benefit” there shall be inserted “or was on that date within 52 weeks of having become a welfare to work beneficiary”;
- (ii) after the definition of “previous beneficiary” there shall be added the following definition—

(17) Paragraph 12 was amended by regulation 17(a) of S.R. 1988 No. 424, regulation 10(d)(ii) of S.R. 1990 No. 136, regulation 11(4)(b) of S.R. 1992 No. 6, regulation 4(b) of S.R. 1993 No. 414, regulation 11(a) of S.R. 1994 No. 335, regulation 10 of S.R. 1995 No. 89, regulation 8 of S.R. 1995 No. 129 and regulation 3(8) of S.R. 1995 No. 367

(18) S.R. 1996 No. 111; relevant amending regulations are S.R. 1996 Nos. 405 and 448

(19) Paragraph (5A) was inserted by regulation 8 of S.R. 1996 No. 448

(20) The definition of “previous beneficiary” was amended by regulation 8(b) of S.R. 1996 No. 405

“welfare to work beneficiary” means a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 applies.”

Amendment of the Jobseeker’s Allowance Regulations

11.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(**21**) shall be amended in accordance with paragraphs (2) to (4).

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

“welfare to work beneficiary” means a person—

- (a) to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 applies, and
- (b) who again becomes incapable of work for the purposes of Part XIIA of the Benefits Act.”

(3) In Schedule 1 (applicable amounts) in paragraph 12(**22**) after sub-paragraph (2) there shall be added the following sub-paragraph—

“(3) In this paragraph, where a claimant’s partner is a welfare to work beneficiary, sub-paragraphs (1)(a)(ii) and (2)(b) shall apply to him as if for “8 weeks” there were substituted “52 weeks”.”

(4) In Schedule 2 (housing costs) in paragraph 13(**23**) after sub-paragraph (11) there shall be added the following sub-paragraph—

“(12) Where the claimant’s partner to whom this paragraph applies is a welfare to work beneficiary, sub-paragraphs (1)(a)(ii), (1)(d) and (1)(f)(iii) shall apply to him as if for “12 weeks” there were substituted “52 weeks”.”

Amendment of the Housing Benefit (General) (Amendment No. 4) Regulations

12. In regulation 5 of the Housing Benefit (General) (Amendment No. 4) Regulations (Northern Ireland) 1997(**24**) (savings)—

- (a) in paragraph (1) for “(2) or (2A)” there shall be substituted “(2), (2A) or (2AB)”;
- (b) after paragraph (2A) there shall be inserted the following paragraphs—

“(2AB) This paragraph applies in the case of a person—

- (a) who was entitled to housing benefit in respect of the dwelling he occupied as his home on or before 5th October 1997;
- (b) whose entitlement to housing benefit in respect of that dwelling was continuous from that date until it ceased because either the person or his partner became a welfare to work beneficiary;
- (c) who on the day before entitlement to housing benefit ceased, was in receipt of an addition to benefit by virtue of regulation 11(4) or (5) of the principal Regulations as they had effect on 5th October 1997, and
- (d) who subsequently becomes re-entitled to housing benefit in respect of that dwelling within 52 weeks of him or his partner becoming a welfare to work beneficiary.

(21) S.R. 1996 No. 198; relevant amending regulations are S.R. 1996 Nos. 358 and 503 and S.R. 1997 Nos. 165 and 541

(22) Paragraph 12 was amended by regulation 2(17)(b) of S.R. 1996 No. 503

(23) Paragraph 13 was amended by regulation 29(5) of S.R. 1996 No. 358, regulation 2(18)(a) of S.R. 1996 No. 503, regulation 7(2) of S.R. 1997 No. 165 and regulation 13(3) of S.R. 1997 No. 541

(24) S.R. 1997 No. 170; regulation 5 was amended by regulation 2(4) of S.R. 1997 No. 377

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(2AC) Paragraph (2A) shall continue to have effect in the case of a person who has ceased to be a welfare to work beneficiary or whose partner has ceased to be such a beneficiary where the person is entitled to housing benefit at the end of the 52 week period to which paragraph (2AB) refers.”; and

- (c) in paragraph (2B) after the definition of “benefit period” there shall be added the following definition—

““welfare to work beneficiary” means a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 applies.”.