
STATUTORY RULES OF NORTHERN IRELAND

1998 No. 326

SOCIAL SECURITY

**The Social Security (Amendment) (New Deal
No. 2) Regulations (Northern Ireland) 1998**

Made - - - - 15th September 1998

Coming into operation 19th October 1998

The Department of Health and Social Services for Northern Ireland in exercise of the powers conferred on it by sections 122(1)(a) to (c), 132(4)(a) and (b) and 171(1) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ and Articles 14(4)(a) and (b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995⁽²⁾, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Amendment) (New Deal No. 2) Regulations (Northern Ireland) 1998 and shall come into operation on 19th October 1998.

(2) In these Regulations—

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations (Northern Ireland) 1992⁽³⁾;

“the Family Credit Regulations” means the Family Credit (General) Regulations (Northern Ireland) 1987⁽⁴⁾;

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987⁽⁵⁾;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996⁽⁶⁾.

(1) 1992 c. 7

(2) S.I.1995/2705 (N.I. 15)

(3) S.R. 1992 No. 78; relevant amending Regulations are S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 182

(4) S.R. 1987 No. 463; relevant amending Regulations are S.R. 1988 Nos. 131 and 205, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233, S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 182

(5) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541

(6) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1997 Nos. 412 and 541 and S.R. 1998 No. 81

(3) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Notional income

- 2.—(1) In regulation 105 of the Jobseeker’s Allowance Regulations(8) (notional income)—
- (a) in paragraph (10) for the words from “Any payment of income,” to “regulation 75(1)(b)(ii)” there shall be substituted “Any payment of income, other than a payment of income specified in paragraph (10A)”;
 - (b) after paragraph (10) there shall be inserted the following paragraph—

“(10A) Paragraph (10) shall not apply in respect of a payment of income made—

 - (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
 - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994(9) (concessionary coal), or
 - (c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950(10) in respect of a person’s participation—
 - (i) in an employment programme specified in regulation 75(1)(a);
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii), or
 - (iii) in a qualifying course within the meaning specified in regulation 17A(7)(11).”.
- (2) In regulation 42 of the Income Support Regulations (notional income)—
- (a) in paragraph (4)(12) for the words from “Any payment of income,” to “regulation 75(1)(b)(ii) of those Regulations” there shall be substituted “Any payment of income, other than a payment of income specified in paragraph (4ZA)”;
 - (b) after paragraph (4) there shall be inserted the following paragraph—

“(4ZA) Paragraph (4) shall not apply in respect of a payment of income made—

 - (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;
 - (b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal), or
 - (c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person’s participation—
 - (i) in an employment programme specified in regulation 75(1)(a) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations, or

(7) 1954 c. 33 (N.I.)

(8) Relevant amending Regulations are S.R. 1997 Nos. 412 and 541

(9) 1994 c. 21

(10) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))

(11) Regulation 17A was inserted by regulation 4 of S.R. 1998 No. 198

(12) Paragraph (4) was substituted by regulation 9(a) of S.R. 1988 No. 318 and amended by S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541

(iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.”.

(3) In both regulation 29 of the Disability Working Allowance Regulations(**13**) and regulation 26 of the Family Credit Regulations(**14**) (which relate to notional income)—

(a) in paragraph (3) for the words from “Any payment of income,” to “regulation 75(1)(b)(ii) of those Regulations” there shall be substituted “Any payment of income, other than a payment of income specified in paragraph (3A)”;

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Paragraph (3) shall not apply in respect of a payment of income made—

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds;

(b) pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal), or

(c) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person’s participation—

(i) in an employment programme specified in regulation 75(1)(a) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;

(ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations, or

(iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.”.

Notional capital

3.—(1) In regulation 113 of the Jobseeker’s Allowance Regulations (notional capital)—

(a) in paragraph (3)(**15**) for the words from “Any payment of capital,” to “regulation 75(1)(b)(ii)” there shall be substituted “Any payment of capital, other than a payment of capital specified in paragraph (3A)”;

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) Paragraph (3) shall not apply in respect of a payment of capital made—

(a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds, or

(b) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person’s participation—

(i) in an employment programme specified in regulation 75(1)(a);

(ii) in a training scheme specified in regulation 75(1)(b)(ii), or

(iii) in a qualifying course within the meaning specified in regulation 17A(7).”.

(2) In each of the regulations referred to in paragraph (3) (each of which relates to notional capital)—

(13) Relevant amending Regulations are S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541

(14) Relevant amending Regulations are S.R. 1988 Nos. 131 and 205, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 Nos. 412 and 541

(15) Paragraph (3) was amended by S.R. 1997 No. 541

- (a) in paragraph (3) for the words from “Any payment of capital,” to “regulation 75(1)(b) (ii) of those Regulations” there shall be substituted “Any payment of capital, other than a payment of capital specified in paragraph (3A)”;
- (b) after paragraph (3) there shall be inserted the following paragraph—
 - “(3A) Paragraph (3) shall not apply in respect of a payment of capital made—
 - (a) under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust or the Independent Living Funds, or
 - (b) pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 in respect of a person’s participation—
 - (i) in an employment programme specified in regulation 75(1)(a) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations, or
 - (iii) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations.”.
- (3) The regulations to which paragraph (2) refers are—
 - (a) regulation 37 of the Disability Working Allowance Regulations(16);
 - (b) regulation 34 of the Family Credit Regulations(17);
 - (c) regulation 51 of the Income Support Regulations(18).

Income to be disregarded

4.—(1) After paragraph 61 of Schedule 6 to the Jobseeker’s Allowance Regulations(19) (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“62.—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7).

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student’s attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 135(1) (student’s income to be disregarded).”.

(2) After paragraph 58 of Schedule 3 to the Disability Working Allowance Regulations(20) (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“59.—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning

(16) Relevant amending Regulations are S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 No. 541

(17) Relevant amending Regulations are S.R. 1988 Nos. 131 and 205, S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 No. 541

(18) Paragraph (3) was substituted by regulation 11(a) of S.R. 1988 No. 318 and amended by S.R. 1990 No. 33, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 1997 No. 541

(19) Paragraph 61 was added by regulation (4)(5)(b) of S.R. 1998 No. 182

(20) Paragraph 58 was added by regulation 5(5) and (6)(c) of S.R. 1998 No. 182

specified in regulation 17A(7) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student's attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 46 (student's income to be disregarded)."

(3) After paragraph 60 of Schedule 2 to the Family Credit Regulations(21) (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“61.—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student's attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 42 (student's income to be disregarded)."

(4) After paragraph 63 of Schedule 9 to the Income Support Regulations(22) (sums to be disregarded in the calculation of income other than earnings) there shall be added the following paragraph—

“64.—(1) Subject to sub-paragraph (2), any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

(2) No amount shall be disregarded pursuant to sub-paragraph (1) in respect of travel expenses incurred as a result of the student's attendance on the course where an amount in respect of those expenses has already been disregarded pursuant to regulation 66(1) (student's income to be disregarded)."

Capital to be disregarded

5.—(1) At the end of Schedule 7 to the Jobseeker's Allowance Regulations(23) (capital to be disregarded) there shall be added the following paragraph—

“46. Any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) but only for the period of 52 weeks from the date of receipt of that payment.”

(2) At the end of each of the Schedules specified in paragraph (3) (which relate to capital to be disregarded) there shall be added the following paragraph bearing the respective specified paragraph number—

“Any discretionary payment made pursuant to section 1 of the Employment and Training Act (Northern Ireland) 1950 to meet, or help meet, special needs of a person who is undertaking a qualifying course within the meaning specified in regulation 17A(7) of the Jobseeker's

(21) Paragraph 60 was added by regulation 5(5) and (6)(b) of S.R. 1998 No. 182

(22) Paragraph 63 was added by regulation 3(4) of S.R. 1998 No. 182

(23) Paragraph 45 was added by regulation 4(6)(c) of S.R. 1998 No. 182

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Allowance Regulations (Northern Ireland) 1996 but only for the period of 52 weeks from the date of receipt of that payment.”.

- (3) The respective paragraph number and Schedules for the purposes of paragraph (2) are—
- (a) paragraph 52 of Schedule 4 to the Disability Working Allowance Regulations(24);
 - (b) paragraph 53 of Schedule 3 to the Family Credit Regulations(25);
 - (c) paragraph 51 of Schedule 10 to the Income Support Regulations(26).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

15th September 1998.

John O'Neill
Assistant Secretary

(24) Paragraph 51 was added by regulation 5(11) and (12)(d) of [S.R. 1998 No. 182](#)
(25) Paragraph 52 was added by regulation 5(11) and (12)(c) of [S.R. 1998 No. 182](#)
(26) Paragraph 50 was added by regulation 5(11) and (12)(a) of [S.R. 1998 No. 182](#)

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend certain provisions in the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ("the Jobseeker's Allowance Regulations"), the Income Support (General) Regulations (Northern Ireland) 1987, the Family Credit (General) Regulations (Northern Ireland) 1987 and the Disability Working Allowance (General) Regulations (Northern Ireland) 1992, in relation to those persons who are undertaking qualifying courses as defined for the purposes of Parts II and V of the Jobseeker's Allowance Regulations.

Regulations 2 to 5 provide that discretionary payments made to persons undertaking qualifying courses to meet, or help meet special needs, shall, for the purposes of those benefits, be disregarded for the purposes of assessing that person's income or capital or, where such payments are made to third parties, shall not be taken into account as their notional income or notional capital.

These Regulations 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 Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.