
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 385

**HOUSING; RATES; SOCIAL SECURITY
FAMILY LAW
CHILD SUPPORT**

**The Social Security and Child Support
(Tax Credits Consequential Amendments)
Regulations (Northern Ireland) 1999**

Made - - - - *15th September 1999*

Coming into operation *5th October 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by the provisions set out in Schedule 1 and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations consequential upon the Tax Credits Act 1999⁽¹⁾ and which is made before the end of a period of six months from the commencement of those provisions, with the consent of the Department of the Environment for Northern Ireland⁽²⁾ in so far as regulations 2 and 3 are concerned, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security and Child Support (Tax Credits Consequential Amendments) Regulations (Northern Ireland) 1999 and shall come into operation on 5th October 1999.

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

Amendments consequential on the renaming of family credit as working families' tax credit and of disability working allowance as disabled person's tax credit

2.—(1) Subject to paragraph (3), in the provisions mentioned in Part I of Schedule 2, for the words "family credit" wherever they occur, except where they appear in a reference to the title of the

(1) 1999 c. 10

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

(3) 1954 c. 33 (N.I.)

Family Credit (General) Regulations (Northern Ireland) 1987(4), there shall be substituted “working families' tax credit”.

(2) Subject to paragraph (3), in the provisions mentioned in Part II of Schedule 2, for the words “disability working allowance” wherever they occur, except where they appear in a reference to the title of the Disability Working Allowance (General) Regulations (Northern Ireland) 1992(5), there shall be substituted “disabled person’s tax credit”.

(3) In the provisions mentioned in Part III of Schedule 2—

(a) for the definition of “disability working allowance” there shall be substituted the following definition—

““disabled person’s tax credit” means a disabled person’s tax credit under section 128 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(6);”;

(b) the following definition shall be inserted in the appropriate place—

““working families' tax credit” means a working families' tax credit under section 127(7) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;”.

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(8) shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph 16(9) of Schedule 3 (sums to be disregarded in the calculation of earnings) in sub-paragraphs (1)(b) and (4)(c)(ii) for “the allowance” there shall be substituted “the credit”.

(3) In paragraph 60(10) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) for “the allowance” there shall be substituted “the credit”.

Amendment of Schedule 8 to the Social Security (Claims and Payments) Regulations

4. In paragraph 2(b) of Schedule 8 to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(11) (election to have child benefit paid weekly) for “family credit or disability working allowance” there shall be substituted “or payment in accordance with an award of family credit or disability working allowance which was awarded with effect from a date falling before 5th October 1999”.

Amendment of regulation 2 of the Social Fund (Recovery by Deductions from Benefits) Regulations

5. In regulation 2 of the Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988(12) (benefits from which an award may be recovered)—

(a) for paragraph (b) there shall be substituted the following paragraph—

(4) S.R. 1987 No. 463

(5) S.R. 1992 No. 78

(6) 1992 c. 7; section 128 was amended by section 1(2) of, and paragraph 4(h) of Schedule 1 to, the Tax Credits Act 1999

(7) Section 127 was amended by section 1(2) of, and paragraph 4(g) of Schedule 1 to the Tax Credits Act 1999

(8) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 No. 424, S.R. 1990 No. 345, S.R. 1991 No. 47, S.R. 1992 Nos. 6 and 404, S.R. 1994 No. 335, S.R. 1995 No. 129, S.R. 1996 Nos. 93 and 334 and S.R. 1999 No. 298

(9) Paragraph 16 was added by regulation 5 of S.R. 1999 No. 298

(10) Paragraph 60 was substituted by regulation 4 of S.R. 1996 No. 93

(11) S.R. 1987 No. 465; paragraph 2(b) was amended by regulation 28 of S.R. 1992 No. 7 and regulation 2(25) of S.R. 1996 No. 354

(12) S.R. 1988 No. 21; relevant amending Regulations are S.R. 1992 No. 6

“(b) family credit awarded with effect from a date falling before 5th October 1999;”;

(b) for paragraph (ba)(13) there shall be substituted the following paragraph—

“(ba) disability working allowance awarded with effect from a date falling before 5th October 1999;”.

Amendment of regulation 1 of the Child Support (Maintenance Assessment Procedure) Regulations

6.—(1) Regulation 1(2) of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(14) shall be amended in accordance with paragraphs (2) to (4).

(2) For the definition of “disability working allowance” there shall be substituted the following definition—

““disability working allowance” means an award of disability working allowance under section 128 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 which was awarded with effect from a date falling before 5th October 1999;”.

(3) The following definition shall be inserted in the appropriate place—

““family credit” means an award of family credit under section 127 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 which was awarded with effect from a date falling before 5th October 1999;”.

(4) In the definition of “relevant benefit”(15) for “family credit or disability working allowance” there shall be substituted the following “or an award of family credit or disability working allowance which was awarded with effect from a date falling before 5th October 1999”.

Revocation and Saving of the Child Support (Compensation for Recipients of Family Credit and Disability Working Allowance) Regulations

7. The Child Support (Compensation for Recipients of Family Credit and Disability Working Allowance) Regulations (Northern Ireland) 1995(16) are revoked except that they shall continue to have effect in the case of an award of family credit or disability working allowance awarded with effect from a date falling before 5th October 1999.

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

L.S.

15th September 1999.

John O'Neill
Assistant Secretary

(13) Paragraph (ba) was inserted by regulation 13 of S.R. 1992 No. 6

(14) S.R. 1992 No. 340; relevant amending Regulations are S.R. 1996 No. 289

(15) The definition of “relevant benefit” was amended by regulation 20(2)(a) of S.R. 1996 No. 289

(16) S.R. 1995 No. 476

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The Department of the Environment for Northern Ireland hereby consents to regulations 2 and 3 of the foregoing Regulations.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on

L.S.

15th September 1999.

R. E. Aiken
Assistant Secretary

SCHEDULE 1

Provisions conferring powers exercised in making these Regulations

<i>Column 1</i>	<i>Column 2</i>
The Child Support (Northern Ireland) Order 1991 (17)	Article 2 Article 28E(5) Article 39 Article 40 Article 47 Article 48 paragraphs 5 and 7 of Schedule 1 Schedule 4B
The Social Security Administration (Northern Ireland) Act 1992 (18)	section 5(1) section 74(2) section 165(1), (4) and (5)
The Social Security Contributions and Benefits (Northern Ireland) Act 1992	section 22(5) (19) section 45A (20) section 122(1)(a) and (d) section 131(1) section 132(3) and (4) section 134 section 141(1) section 171(1), (3) and (4)
The Jobseeker's (Northern Ireland) Order 1995 (21)	Article 6(5) Article 14(4)(a) Article 28(4)(j) Article 36

(17) S.I. 1991/2628 (N.I. 23); Article 28E(5) and Schedule 4B were inserted by Article 3(1) and (3) of the Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)); Articles 40 and 47 were amended by paragraphs 25 and 31(a) of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and Article 48 was amended by paragraph 13 of Schedule 3 to the Child Support (Northern Ireland) Order 1995

(18) 1992 c. 8

(19) Section 22(5) was amended by paragraph 5 of Schedule 2 to the Jobseekers Order (Northern Ireland) 1995 (S.I. 1995/2705 (N.I. 15))

(20) Section 45A was inserted by Article 124(1) of the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22))

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

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<i>Column 1</i>	<i>Column 2</i>
The Child Support (Northern Ireland) Order 1995(22)	Article 4 Article 17 Article 19(1)

SCHEDULE 2

Regulation 2(1)

Part I

**Provisions in which the words “family credit”
are substituted by “working families' tax credit”**

<i>Column 1</i>	<i>Column 2</i>
The Social Security (Credits) Regulations (Northern Ireland) 1975(23)	regulation 7C(24) and the heading which precedes it
The Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(25)	regulation 4(1)(a)(26) regulation 5(b)(27) regulation 6(1)(a)(28)
The Income Support (General) Regulations (Northern Ireland) 1987(29)	regulation 42(2)(e)(30)
The Housing Benefit (General) Regulations (Northern Ireland) 1987	regulation 43A(3)(b) and (4)(b)(31) Schedule 4, paragraph 61(32)
The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(33)	regulation 10A(34) and the heading which precedes it

(22) S.I. 1995/2702 (N.I. 13)

(23) S.R. 1975 No. 113; relevant amending Regulations are S.R. 1991 No. 528, S.R. 1995 No. 479 and S.R. 1996 No. 430

(24) Regulation 7C was inserted by regulation 2 of S.R. 1995 No. 479 and amended by regulation 2(4) of S.R. 1996 No. 430

(25) S.R. 1987 No. 150; relevant amending Regulations are S.R. 1988 No. 22, S.R. 1992 No. 6, S.R. 1996 No. 423 and S.R. 1997 No. 155

(26) Regulation 4(1)(a) was amended by regulation 3(1)(a) of S.R. 1988 No. 22, regulation 9(2) of S.R. 1992 No. 6 and regulation 3 of S.R. 1996 No. 423

(27) Regulation 5(b) was amended by regulation 4(b) of S.R. 1988 No. 22 and regulation 9(3) of S.R. 1992 No. 6

(28) Regulation 6 was substituted by regulation 2(5) of S.R. 1997 No. 155

(29) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 146, S.R. 1992 Nos. 6 and 147, S.R. 1994 No. 327 and S.R. 1995 No. 67

(30) Regulation 42(2)(e) was inserted by regulation 5(c) of S.R. 1992 No. 147

(31) Regulation 43A was inserted by regulation 6 of S.R. 1990 No. 345 and paragraphs (3)(b) and (4)(b) were added by regulation 5(a) and (b) of S.R. 1991 No. 47 and amended by regulation 8 of S.R. 1992 No. 404

(32) Paragraph 61 was substituted by regulation 4 of S.R. 1996 No. 93

(33) S.R. 1992 No. 341; relevant amending Rules are S.R. 1995 No. 162, S.R. 1996 Nos. 317 and 590 and S.R. 1999 No. 246 (C. 20)

<i>Column 1</i>	<i>Column 2</i>
	Schedule 1, paragraphs 2(1A)(35), 5(5)(36) and 7(2) to (5)(37)
The Social Security (Effect of Family Credit on Earnings Factors) Regulations (Northern Ireland) 1995(38)	regulation 2
The Jobseeker's Allowance Regulations (Northern Ireland) 1996(39)	regulation 105(2)(d)
The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(40)	regulations 9 and 12
The Social Security (Back to Work Bonus) (No. 2) Regulations (Northern Ireland) 1996(41)	regulation 21(b)
The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(42)	regulation 14(b)

SCHEDULE 2

Regulation 2(2)

Part II

Provisions in which the words “disability working allowance” are substituted by “disabled person’s tax credit”

<i>Column 1</i>	<i>Column 2</i>
The Social Security (Credits) Regulations (Northern Ireland) 1975	regulations 7B(43) and the heading which precedes it regulation 9(c)(i)(44)
The Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987	regulation 4(1)(a) regulation 5(b)

- (34) Regulation 10A was inserted by regulation 3(3) of S.R. 1996 No. 590 and amended by Article 9(5) of S.R. 1999 No. 246 (C. 20)
- (35) Paragraph 2(1A) was inserted by regulation 3(7)(b)(ii) of S.R. 1996 No. 590 and amended by Article 9(9)(b)(i) of S.R. 1999 No. 246 (C. 20)
- (36) Paragraph 5(5) was added by regulation 3(7)(d) of S.R. 1996 No. 590 and amended by Article 9(9)(e)(i) of S.R. 1999 No. 246 (C. 20)
- (37) Paragraph (3) was amended by regulation 4(8)(b) of S.R. 1996 No. 317
- (38) S.R. 1995 No. 478
- (39) S.R. 1996 No. 198; to which there are amendments not relevant to these Regulations
- (40) S.R. 1996 No. 541; regulation 9 was substituted by regulation 9(3) of S.R. 1998 No. 8
- (41) S.R. 1996 No. 519; to which there are amendments not relevant to these Regulations
- (42) S.R. 1996 No. 622; to which there are amendments not relevant to these Regulations
- (43) Regulation 7B was inserted by regulation 3 of S.R. 1991 No. 528 and amended by regulation 2(4) of S.R. 1996 No. 430
- (44) Regulation 9 was substituted by regulation 2(7) of S.R. 1996 No. 430

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<i>Column 1</i>	<i>Column 2</i>
	regulation 6(1)(a)
The Income Support (General) Regulations (Northern Ireland) 1987	regulation 42(2)(f)(45)
	Schedule 2, paragraph 12(1)(a)(i)(46)
The Housing Benefit (General) Regulations (Northern Ireland) 1987	regulation 43A(3)(d) and (4)(d)(47)
	Schedule 2, paragraph 12(1)(a)(i)(48)
	Schedule 4, paragraph 60(49)
The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992	regulation 10A and the heading which precedes it
	Schedule 1, paragraphs 2(1A) and 5(5)
	Schedule 4, paragraph (a)(xi)(50)
The Social Security (Effect of Family Credit on Earnings Factors) Regulations (Northern Ireland) 1995	regulation 2
The Jobseeker's Allowance Regulations (Northern Ireland) 1996	regulation 105(2)(d)
	Schedule 1, paragraph 14(1)(a)
The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996	regulations 9 and 12
The Social Security (Back to Work Bonus) (No. 2) Regulations (Northern Ireland) 1996	regulation 21(c)
The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996	regulation 14(a)

(45) Regulation 42(2)(f) was inserted by regulation 5(c) of S.R. 1992 No. 147

(46) Paragraph 12(1)(a)(i) was amended by regulation 30(c)(i) of S.R. 1988 No. 146, regulation 10(4)(b)(i) of S.R. 1992 No. 6, regulation 2(9)(a)(i) of S.R. 1994 No. 327 and regulation 2(12)(a)(i) of S.R. 1995 No. 67

(47) Regulation 43A(3)(d) and (4)(d) were added by regulation 8 of S.R. 1992 No. 404 and amended by regulation 8(a) and (b) of S.R. 1996 No. 334

(48) Paragraph 12(1)(a)(i) was amended by regulation 17(a)(i) of S.R. 1988 No. 424, regulation 11(4)(b)(i) of S.R. 1992 No. 6, regulation 11(a)(i) of S.R. 1994 No. 335 and regulation 8(a) of S.R. 1995 No. 129

(49) Paragraph 60 was substituted by regulation 4 of S.R. 1996 No. 93

(50) Paragraph (a) was amended by regulation 9(18) of S.R. 1995 No. 162

SCHEDULE 2

Regulation 2(3)

Part III

Provisions in which the definitions of “working families' tax credit” and “disabled person’s tax credit” are substituted or inserted

<i>Column 1</i>	<i>Column 2</i>
The Social Security (Credits) Regulations (Northern Ireland) 1975	regulations 2(1)(51)
The Income Support (General) Regulations (Northern Ireland) 1987	regulation 2(1)(52)
The Housing Benefit (General) Regulations (Northern Ireland) 1987	regulation 2(1)(53)
The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992	regulation 1(2)
The Jobseeker’s Allowance Regulations (Northern Ireland) 1996	regulation 1(2)

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

These Regulations are made in consequence of provisions in the Tax Credits Act 1999 (“the Act”) which transfer functions relating to family credit and disability working allowance from the Department of Health and Social Services for Northern Ireland to the Treasury and the Inland Revenue on 5th October 1999. The Act also makes provision for the renaming of family credit and disability working allowance as working families' tax credit and disabled person’s tax credit respectively from 5th October 1999.

Regulation 1 provides for citation, commencement and interpretation.

Regulations 2 to 6 make amendments consequential on the renaming of family credit as working families' tax credit and of disability working allowance as disabled person’s tax credit and provide for transitional arrangements consequential on the transfer.

Regulation 7 provides for the revocation of the Child Support (Compensation for Recipients of Family Credit and Disability Working Allowance) Regulations (Northern Ireland) 1995 with a saving for awards of family credit and disability working allowance made before the transfer.

(51) Definition of “disability working allowance” was inserted by regulation 2 of S.R. 1991 No. 528

(52) Definition of “disability working allowance” was inserted by regulation 10(2) of S.R. 1992 No. 6

(53) Definition of “disability working allowance” was inserted by regulation 11(2) of S.R. 1992 No. 6

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Since these Regulations are made before the end of a period of 6 months from the commencement of the relevant provisions in the Act, they are accordingly exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from reference to the Social Security Advisory Committee.