
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 391

The Social Security (Notional Income and Capital Amendment) Regulations (Northern Ireland) 1999

Notional income and notional capital

2.—(1) After head (i) in—

- (a) both regulations 42(4)(a) and 51(3)(a) of the Income Support Regulations(1), and
- (b) both regulations 105(10)(a) and 113(3)(a) of the Jobseeker’s Allowance Regulations(2),

(which relate respectively to notional income and to notional capital), there shall be inserted the following—

“(ia) in a case where that payment is a payment of an occupational pension or is a pension or other periodical payment made under a personal pension scheme, as possessed by that single claimant or, as the case may be, by that member;”.

(2) In both regulations 35(3) and 43(3) of the Housing Benefit Regulations(3) (which relate respectively to notional income and to notional capital)—

- (a) immediately before sub-paragraph (a) there shall be inserted the following sub-paragraph—

“(za) to a third party in respect of a single claimant or a member of the family (but not a member of the third party’s family) shall, where that payment is a payment of an occupational pension or is a pension or other periodical payment made under a personal pension scheme, be treated as possessed by that single claimant or, as the case may be, by that member;”;

- (b) in sub-paragraph (a), after “shall” there shall be inserted “, where it is not a payment referred to in sub-paragraph (za),”.

(3) There shall be added as—

- (a) regulations 35(3A)(d) and 43(3A)(c) of the Housing Benefit Regulations(4);
- (b) regulations 42(4ZA)(d) and 51(3A)(c) of the Income Support Regulations(5);
- (c) regulations 105(10A)(d) and 113(3A)(c) of the Jobseeker’s Allowance Regulations(6),

the following sub-paragraph—

“under an occupational pension scheme or in respect of a pension or other periodical payment made under a personal pension scheme where—

(1) Regulation 42(4) was substituted by regulation 9(a) of S.R. 1988 No. 318 and amended by regulation 5(2) of S.R. 1995 No. 410 and regulation 2(2)(a) of S.R. 1998 No. 326 and regulation 51(3) was substituted by regulation 11(a) of S.R. 1988 No. 318 and amended by regulation 9 of S.R. 1997 No. 22 and regulation 3(2)(a) of S.R. 1998 No. 326

(2) Regulation 105(10) and 113(3) were amended by regulations 2(1)(a) and 3(1)(a) respectively of S.R. 1998 No. 326

(3) Regulations 35(3)(a) and 43(3)(a) were amended by S.R. 1988 No. 424, S.R. 1993 No. 145 and S.R. 1998 No. 325

(4) Regulations 35(3A) and 43(3A) were inserted by regulations 2(b) and 3(b) respectively of S.R. 1998 No. 325

(5) Regulations 42(4ZA) and 51(3A) were inserted by regulations 2(2)(b) and 3(2)(b) respectively of S.R. 1998 No. 326

(6) Regulations 105(10A) and 113(3A) were inserted by regulations 2(1)(b) and 3(1)(b) of S.R. 1998 No. 326

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980(7);
- (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors, and
- (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.”.