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STATUTORY RULES OF NORTHERN IRELAND

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2000 No. 109

**SOCIAL SECURITY**

**HOUSING; RATES**

**The Social Security (Approved Work) Regulations  
(Northern Ireland) 2000**

*Made* . . . . . 23rd March 2000

*Coming into operation* . . . . . 3rd April 2000

The Department for Social Development, in exercise of the powers conferred by sections 30C(3), 86A, 90(a), 122(1)(a) and (d), 132(4)(a), 167D and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Articles 14(4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel in so far as its consent is required in respect of regulation 4(d), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

*Citation, commencement and interpretation*

**1.**—(1) These Regulations may be cited as the Social Security (Approved Work) Regulations (Northern Ireland) 2000 and shall come into operation on 3rd April 2000.

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

*Amendment of the Social Security (Severe Disablement Allowance) Regulations*

**2.** In regulation 7 of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(g) (days for which persons are to be

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- (a) 1992 c. 7; section 30C was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)); section 86A was inserted by Article 4(4) of that Order and section 167D was inserted by Article 8(1) of that Order
  - (b) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
  - (c) See Article 8(b) of S.R. 1999 No. 481
  - (d) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; subsection (6A) was inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481 which transferred the consent functions under section 171(6A) from the Department of the Environment to the Department of Finance and Personnel
  - (e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
  - (f) 1954 c. 33 (N.I.)
  - (g) S.R. 1984 No. 317; regulation 7 was amended by regulation 2(5) of S.R. 1994 No. 462 and regulation 7(2) of S.R. 1998 No. 324

regarded as incapable of work for the purposes of severe disablement allowance) after paragraph (1B) there shall be inserted the following paragraph—

“(1C) For the purposes of severe disablement allowance, a person shall be treated as incapable of work on any day where he is treated as incapable of work under regulation 10A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995<sup>(a)</sup> (certain persons participating in approved work to be treated as incapable of work).”.

*Amendment of the Income Support (General) Regulations*

**3.** In regulation 42 of the Income Support (General) Regulations (Northern Ireland) 1987<sup>(b)</sup> (notional income)—

(a) in paragraph (6A)<sup>(c)</sup> for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) in a case where the service is performed in connection with—

(i) the claimant’s participation in an employment or training programme in accordance with regulation 19(1)<sup>(p)</sup> of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996, or

(ii) the claimant’s or the claimant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme; or”;

(b) in paragraph (6B)<sup>(a)</sup><sup>(d)</sup> the words “throughout that period” shall be omitted.

*Amendment of the Housing Benefit (General) Regulations*

**4.** In regulation 35 of the Housing Benefit (General) Regulations (Northern Ireland) 1987<sup>(e)</sup> (notional income)—

(a) in paragraph (5)<sup>(f)</sup>—

(i) at the beginning there shall be inserted “Subject to paragraph (5A),”; and

(ii) the words from “; but this paragraph” to the end shall be omitted; and

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<sup>(a)</sup> S.R. 1995 No. 41; regulation 10A is inserted by regulation 7(3) of these regulations

<sup>(b)</sup> S.R. 1987 No. 459; relevant amending regulations are S.R. 1999 No. 390

<sup>(c)</sup> Paragraph (6A) was inserted by regulation 2(2)<sup>(b)</sup>, and amended by regulation 2(2)<sup>(c)</sup>, of S.R. 1999 No. 390

<sup>(d)</sup> Paragraph (6B) was inserted by regulation 2(2)<sup>(b)</sup> of S.R. 1999 No. 390

<sup>(e)</sup> S.R. 1987 No. 461; relevant amending regulations are S.R. 1991 No. 337, S.R. 1995 No. 89 and S.R. 1997 No. 541

<sup>(f)</sup> Paragraph (5) was amended by regulation 7 of S.R. 1991 No. 337, regulation 7 of S.R. 1995 No. 89 and regulation 17(3) and (4)<sup>(b)</sup> of S.R. 1997 No. 541

(b) after paragraph (5) there shall be inserted the following paragraph—

“(5A) Paragraph (5) shall not apply—

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the appropriate authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or

(b) in a case where the service is performed in connection with—

(i) the claimant’s participation in an employment or training programme in accordance with regulation 19(1)(p) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(a), or

(ii) the claimant’s or the claimant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.”.

*Amendment of the Social Security (Incapacity Benefit) Regulations*

**5.** In regulation 3(2) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(b) (days not to be treated as days of incapacity for work) after sub-paragraph (b) there shall be added—

“or

(c) where such payment as is made is for the sole purpose of travelling or meal expenses incurred or to be incurred under the arrangement made under section 1(1) of the Employment and Training Act (Northern Ireland) 1950.”.

*Amendment of the Social Security (Incapacity Benefit – Increases for Dependants) Regulations*

**6.** In regulation 9 of the Social Security (Incapacity Benefit – Increases for Dependants) Regulations (Northern Ireland) 1994(c) (increase of incapacity benefit for adult dependants and persons having the care of children) after paragraph (2) there shall be inserted the following paragraph—

“(2A) For the purposes of, and subject to, paragraph (1), where, on any day, an adult dependant is a person who does approved work on a trial basis within the meaning of regulation 10A of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (certain persons participating in approved work to be treated as incapable of work), the beneficiary shall be treated as entitled to an increase under section 86A of the Contributions and Benefits Act.”.

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(a) S.R. 1996 No. 198

(b) S.R. 1994 No. 461; regulation 3(1) was amended by S.R. 1999 No. 346

(c) S.R. 1994 No. 485

*Amendment of the Social Security (Incapacity for Work) (General) Regulations*

**7.**—(1) The Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995<sup>(a)</sup> shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 6(3)(b)(b) (information required for determining capacity for work) for “regulations 10 to 14” there shall be substituted “regulations 10, 11 to 14”.

(3) After regulation 10 (certain persons with a severe condition to be treated as incapable of work) there shall be inserted the following regulation—

*“Certain persons participating in approved work to be treated as incapable of work*

**10A.**—(1) A person to whom this regulation applies shall be treated as incapable of work on any day in a period of incapacity for work on which he does any approved work in respect of which no payment in the nature of earnings is expected or made.

(2) Subject to paragraph (3), this regulation applies to a person who is—

- (a) incapable of work or treated as incapable of work;
- (b) receiving a prescribed benefit; and
- (c) engaged in approved work on a trial basis.

(3) Where a person to whom this regulation applies is determined to be capable of work, paragraph (1) shall cease to apply in his case.

(4) In this regulation—

“approved work” means, in relation to a person, work arranged in writing by the Department of Higher and Further Education, Training and Employment with an employer in respect of him;

“prescribed benefit” means any benefit, allowance or advantage under the Contributions and Benefits Act (other than statutory sick pay, statutory maternity pay or industrial injuries benefit) or the Jobseekers (Northern Ireland) Order 1995, and for which entitlement is dependent on incapacity for work;

“trial basis” means such trial period and other related matters as may be agreed between the person, the Department of Higher and Further Education, Training and Employment and an employer in relation to the approved work.”.

(4) In regulation 16(2)(c) (person who works to be treated as capable of work) for “167F” there shall be substituted “167F or approved work under regulation 10A”.

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(a) S.R. 1995 No. 41; relevant amending regulations are S.R. 1995 No. 149 and S.R. 1996 Nos. 289 and 601

(b) Regulation 6(3) was substituted by regulation 4(2)(b) of S.R. 1995 No. 149 and amended by regulation 25(2) of S.R. 1996 No. 289

(c) Regulation 16(2) was amended by regulation 4(4)(a) of S.R. 1996 No. 601

*Amendment of the Jobseeker's Allowance Regulations*

**8.** In regulation 105 of the Jobseeker's Allowance Regulations (Northern Ireland) 1996(a) (notional income)—

(a) in paragraph (13)(b)—

(i) at the beginning there shall be inserted “Subject to paragraph (13A),”; and

(ii) the words from “; but this paragraph” to the end shall be omitted; and

(b) after paragraph (13) there shall be inserted the following paragraph—

“(13A) Paragraph (13) shall not apply—

(a) to a claimant who is engaged by a charitable or voluntary organisation or who is a volunteer if the Department is satisfied in any of those cases that it is reasonable for him to provide those services free of charge;

(b) in a case where the service is performed in connection with—

(i) the claimant's participation in an employment or training programme in accordance with regulation 19(1)(p), or

(ii) the claimant's or the claimant's partner's participation in an employment or training programme as defined in regulation 19(3) for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme.”.

*Amendment of the Social Security (New Deal Pilot) Regulations*

**9.** In regulation 13 of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1999(a) (notional income)—

(a) in paragraph (1) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

“(b) in paragraph (13) after “Subject to paragraph (13A)” there were inserted “and paragraph (13B)”;

(c) after paragraph (13A) there were inserted the following paragraph—

“(13B) Paragraph (13) shall not apply in a case where the service is performed in connection with the claimant's participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1999 in regulation 2(1) of those Regulations.”.

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(a) S.R. 1996 No. 198; relevant amending rules are S.R. 1997 No. 541 and S.R. 1999 No. 428 (C. 32)  
(b) Paragraph (13) was amended by regulation 9(b) of S.R. 1997 No. 541 and Article 9(5)(h) of S.R. 1999 No. 428 (C. 32)  
(c) S.R. 1999 No. 474

(b) in paragraph (2) for sub-paragraph (b) there shall be substituted the following sub-paragraphs—

“(b) in paragraph (6) after “Subject to paragraph (6A)” there were inserted “and paragraph (6D)”;

(c) after paragraph (6C) there were inserted the following paragraph—

“(6D) Paragraph (6) shall not apply in a case where the service is performed in connection with the claimant’s participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1999 in regulation 2(1) of those Regulations.”;

(c) in paragraph (3) for sub-paragraphs (b) and (c) there shall be substituted the following sub-paragraphs—

“(b) in paragraph (5) after “Subject to paragraph (5A)” there were inserted “and paragraph (5B)”;

(c) after paragraph (5A) there were inserted the following paragraph—

“(5B) Paragraph (5) shall not apply in a case where the service is performed in connection with the claimant’s participation in the programme known as the intensive activity period of the New Deal pilots for 25 plus as defined for the purposes of the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1999 in regulation 2(1) of those Regulations.”.

*Revocations*

**10.** Regulation 7 of the Housing Benefit (General) (Amendment No. 3) Regulations (Northern Ireland) 1995(a) and regulation 17(4)(b) of the Social Security (Amendment) (New Deal) Regulations (Northern Ireland) 1997(b) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development  
on 23rd March 2000.

(L.S.)

*John O’Neill*

Senior Officer of the Department for Social Development

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(a) S.R. 1995 No. 89  
(b) S.R. 1997 No. 541

The Department of Finance and Personnel hereby consents to regulation  
4 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel  
on 23rd March 2000.

(L.S.)

*J. G. Sullivan*

Senior Officer of the Department of Finance and Personnel

## EXPLANATORY NOTE

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

These Regulations amend—

the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984 so that the participants in approved work, such as work trials or work placements, continue to receive severe disablement allowance (regulation 2);

the Income Support (General) Regulations (Northern Ireland) 1987, the Housing Benefit (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to ensure that persons who are participating in approved work are not attributed with notional earnings for the purpose of ascertaining entitlement to the benefit concerned (regulations 3(a), 4 and 8);

the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 so that travelling and meal expenses paid as the sole training allowance do not cause a person to be treated as capable of work (regulation 5);

the Social Security (Incapacity Benefit – Increases for Dependants) Regulations (Northern Ireland) 1994 so that recipients of incapacity benefit who have dependants who do approved work are not disallowed the increase (regulation 6);

the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 so that persons who are participating in approved work, as piloted by the Social Security (Incapacity, Earnings and Work Trials) (Pilot Schemes) Regulations (Northern Ireland) 1999 (S.R. 1999 No. 199), are treated as incapable of work (regulation 7); and

the Social Security (New Deal Pilot) Regulations (Northern Ireland) 1999 in consequence of the amendments made by regulations 3(a), 4 and 8 (regulation 9).

The Regulations also make—

a technical amendment to the Income Support (General) Regulations (Northern Ireland) 1987 relating to the New Deal for Lone Parents to ensure that the notional earnings rules apply to those taking a break in their period of work experience (regulation 3(b)); and

consequential revocations (regulation 10).

In so far as these Regulations are required, for the purposes of regulation 4, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992 ("the Administration Act"), after agreement by the Social Security Advisory Committee they have not been so referred by virtue of section 150(1)(b) 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 Administration Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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