
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 367

HOUSING; RATES; SOCIAL SECURITY

The Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000

*Made - - - - 20th November 2000
Coming into operation in accordance with
regulation 1(1)*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1) (a) and (d), 131(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽¹⁾ and Article 6(5) of the Jobseekers (Northern Ireland) Order 1995⁽²⁾ and now vested in it⁽³⁾, and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel⁽⁴⁾ in so far as regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it⁽⁵⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Enhanced Disability Premium Amendment) Regulations (Northern Ireland) 2000 and shall come into operation—

- (a) for the purposes of this regulation on 1st April 2001;
- (b) for the purposes of regulation 3—
 - (i) in a case where rent is or rates are payable at intervals of a whole number of weeks, on 2nd April 2001, and
 - (ii) in any other case, on 1st April 2001, and
- (c) for all other purposes, on 9th April 2001.

(1) 1992 c. 7
(2) S.I. 1995/2705 (N.I. 15)
(3) See Article 8(b) of, and Part II of Schedule 6 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481)
(4) 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)); consent function transferred from the Department of the Environment for Northern Ireland to the Department of Finance and Personnel; see Article 6(b) of, and Part II of Schedule 4 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999
(5) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

(2) The Interpretation Act (Northern Ireland) 1954(6) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2. In the Income Support (General) Regulations (Northern Ireland) 1987(7)—

- (a) in regulation 44(8) (modifications in respect of children and young persons) for the words “personal allowance and disabled child premium, if any,” in each place in which they occur there shall be substituted “personal allowance, any disabled child premium and any enhanced disability premium”;
- (b) in regulation 57(1)(b)(9) (period over which payments other than periodical payments are to be taken into account) after head (ii) there shall be inserted the following head—
 - “(ia) any enhanced disability premium in respect of such a child or young person;”;
- (c) in Schedule 2 (applicable amounts)—
 - (i) for paragraph 6(10) there shall be substituted the following paragraph—

“6.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 13(11) applies;
- (b) an enhanced disability premium to which paragraph 13A(12) applies;
- (c) a disabled child premium to which paragraph 14(13) applies, and
- (d) a carer premium to which paragraph 14ZA(14) applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium under paragraph 9 or 9A(15), or
- (b) a higher pensioner premium under paragraph 10(16).”;

- (ii) after paragraph 13 (severe disability premium) there shall be inserted the following paragraph—

(6) 1954 c. 33 (N.I.)

(7) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 No. 146, S.R. 1989 Nos. 139 and 395, S.R. 1990 No. 346, S.R. 1991 No. 338, S.R. 1992 Nos. 6 and 147, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474, S.R. 1996 No. 288, S.R. 1998 No. 324, S.R. 1999 No. 472 and S.R. 2000 Nos. 38 and 74

(8) Regulation 44 was amended by regulation 20 of S.R. 1988 No. 146, regulation 4(14)(b) and (c) of S.R. 1993 No. 373 and Article 7(8) of S.R. 1999 No. 472 (C. 36)

(9) Regulation 57(1)(b) was substituted by regulation 5 of S.R. 1990 No. 346 and amended by regulation 5(3) of S.R. 1996 No. 288

(10) Paragraph 6 was amended by regulation 6(d) of S.R. 1989 No. 395 and regulation 6(b) of S.R. 1990 No. 346

(11) Paragraph 13 was amended by S.R. 1988 No. 146, S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 373, S.R. 1994 Nos. 327 and 474 and S.R. 2000 No. 74

(12) Paragraph 13A was inserted by regulation 2(c)(ii) of these Regulations

(13) Paragraph 14 was amended by regulation 10(4)(d) of S.R. 1992 No. 6, regulation 4(17)(c) of S.R. 1993 No. 373 and Article 16(2) of S.R. 2000 No. 38

(14) Paragraph 14ZA was inserted by regulation 6(d) of S.R. 1990 No. 346 and amended by regulation 13(d)(i) of S.R. 1991 No. 338, regulation 10(4)(e) of S.R. 1992 No. 6 and regulation 4(2)(b) of S.R. 2000 No. 74

(15) Paragraphs 9 and 9A were substituted by regulation 5(a) of S.R. 1989 No. 139

(16) Paragraph 10 was amended by regulation 30(a) of S.R. 1988 No. 146, regulation 10 of S.R. 1992 No. 147 and regulation 8(3)(a) of S.R. 1998 No. 324

“Enhanced disability premium

13A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with Regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act in respect of—

- (a) the claimant, or
- (b) a member of the claimant’s family,

who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of—

- (a) a child or young person whose capital, if calculated in accordance with Part V in like manner as for the claimant, except as provided in regulation 44(1)(17) (modifications in respect of children and young persons) would exceed £3,000;
- (b) a claimant who—
 - (i) is not a member of a couple or a polygamous marriage, and
 - (ii) is a patient within the meaning of regulation 21(3) (special cases) and has been for a period of more than six weeks, or
- (c) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 21(3) (special cases) and has been for a period of more than six weeks.”;

(iii) after paragraph 15(7)(18) there shall be added to the table the following sub-paragraph—

“(8) Enhanced disability premium where the conditions in paragraph 13A are satisfied.

- (a) (8) £5·95 in respect of each child or young person in respect of whom the conditions specified in paragraph 13A are satisfied;
- (b) £5·95 in respect of each person who is neither—
 - (i) a child or young person, nor
 - (ii) a member of a couple or a polygamous marriage,in respect of whom the conditions specified in paragraph 13A are satisfied;
- (c) £8·60 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 13A are satisfied in respect

(17) Regulation 44(1) was substituted by Article 7(8) of S.R. 1999 No. 472 (C. 36)

(18) Paragraph 15(7) was inserted by regulation 6(e) of S.R. 1990 No. 346

of a member of that couple or polygamous marriage.”

Amendment of the Housing Benefit (General) Regulations

3. In the Housing Benefit (General) Regulations (Northern Ireland) 1987(19)—

- (a) in regulation 36(1)(20) (modifications in respect of child and young person) for “personal allowance and disabled child premium, if any,” there shall be substituted “personal allowance, any disabled child premium and any enhanced disability premium”;
- (b) in Schedule 2 (applicable amounts)—
 - (i) for paragraph 6(21) there shall be substituted the following paragraph—

“6.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 13(22) applies;
- (b) an enhanced disability premium to which paragraph 13A(23) applies;
- (c) a disabled child premium to which paragraph 14(24) applies, and
- (d) a carer premium to which paragraph 14ZA(25) applies,

may be applicable in addition to any other premium which may apply under this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium under paragraph 9 or 9A(26), or
- (b) a higher pensioner premium under paragraph 10(27).”;

- (ii) after paragraph 13 (severe disability premium) there shall be inserted the following paragraph—

“Enhanced disability premium

13A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with Regulations under section 113(2) of the Contributions and Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Contributions and Benefits Act in respect of—

- (a) the claimant, or
- (b) a member of the claimant’s family,

(19) S.R. 1987 No. 461; relevant amending Rules are S.R. 1989 No. 125, S.R. 1990 Nos. 136 and 345, S.R. 1991 No. 520, S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 381, S.R. 1994 Nos. 335 and 474, S.R. 1996 No. 93, S.R. 1998 No. 324 and S.R. 2000 Nos. 38 and 74

(20) Regulation 36(1) was amended by regulation 3(2) of S.R. 1991 No. 520 and regulation 11(a) of S.R. 1993 No. 381

(21) Paragraph 6 was amended by regulation 10(a) of S.R. 1990 No. 136 and regulation 9(b) of S.R. 1990 No. 345

(22) Paragraph 13 was amended by S.R. 1992 No. 6, S.R. 1993 Nos. 218 and 381, S.R. 1994 Nos. 335 and 474, S.R. 1996 No. 93 and S.R. 2000 No. 74

(23) Paragraph 13A is inserted by regulation 3(b)(ii) of these Regulations

(24) Paragraph 14 was amended by regulation 11(4)(d) of S.R. 1992 No. 6 and regulation 12(b) of S.R. 1993 No. 381

(25) Paragraph 14ZA was inserted by regulation 9(d) of S.R. 1990 No. 345 and amended by regulation 11(4)(e) of S.R. 1992 No. 6 and regulation 4(4)(b) of S.R. 2000 No. 74

(26) Paragraphs 9 and 9A were substituted by regulation 9(a) of S.R. 1989 No. 125

(27) Paragraph 10 was amended by regulation 9(a) of S.R. 1998 No. 324

who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of—

- (a) a child or young person whose capital, if calculated in accordance with Chapter VI of Part VI in like manner as for the claimant, except as provided in regulation 36(5)(28) (modifications in respect of child and young person) would exceed £3,000;
- (b) a claimant who—
 - (i) is not a member of a couple or a polygamous marriage, and
 - (ii) is a patient within the meaning of regulation 18(2) (patients) and has been for a period of more than six weeks, or
- (c) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 18(2) (patients) and has been for a period of more than six weeks.”;

(iii) after paragraph 15(8)(29) there shall be added to the table the following sub-paragraph—

“(9) Enhanced disability premium where the conditions in paragraph 13A are satisfied.

- (a) (9) £5·95 in respect of each child or young person in respect of whom the conditions specified in paragraph 13A are satisfied;
 - (b) £5·95 in respect of each person who is neither—
 - (i) a child or young person, nor
 - (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 13A are satisfied;
 - (c) £8·60 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 13A are satisfied in respect of a member of that couple or polygamous marriage.”.
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Amendment of the Jobseeker’s Allowance Regulations

4. In the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(30)—

- (a) in regulation 106(31) (modifications in respect of children and young persons) for the words “personal allowance and disabled child premium, if any,” in each place in which they occur there shall be substituted “personal allowance, any disabled child premium and any enhanced disability premium”;

(28) Regulation 36(5) was added by regulation 11(c) of S.R. 1993 No. 381

(29) Paragraph 15(8) was amended by Article 19(8) of, and Schedule 8, to S.R. 2000 No. 38

(30) S.R. 1996 No. 198; relevant amending Rules are S.R. 1996 Nos. 288 and 503, S.R. 1998 No. 324, S.R. 1999 No. 428 (C. 32) and S.R. 2000 Nos. 38, 74 and 350

(31) Regulation 106 was amended by Article 9(8)(c) of S.R. 1999 No. 428 (C. 32)

- (b) in regulation 121(1)(b)(32) (period over which payments other than periodical payments are to be taken into account) after head (ii) there shall be inserted the following head—
 “(ia) any enhanced disability premium in respect of such a child or young person;”;
- (c) in Schedule 1 (applicable amounts)—
 (i) for paragraph 7 there shall be substituted the following paragraph—

“7.—(1) Subject to sub-paragraph (2), the following premiums, namely—
 (a) a severe disability premium to which paragraph 15(33) applies;
 (b) an enhanced disability premium to which paragraph 15A(34) applies;
 (c) a disabled child premium to which paragraph 16(35) applies, and
 (d) a carer premium to which paragraph 17(36) applies,

may be applicable in addition to any other premium which may apply under this Part of this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to —

- (a) a pensioner premium under paragraph 10 or 11, or
 (b) a higher pensioner premium under paragraph 12(37).”;

- (ii) after paragraph 15 (severe disability premium) there shall be inserted the following paragraph—

“Enhanced disability premium

15A.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with Regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Benefits Act in respect of—

- (a) the claimant, or
 (b) a member of the claimant’s family,

who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of—

- (a) a child or young person whose capital, if calculated in accordance with Part VIII in like manner as for the claimant, except as provided in regulation 106(1) (modifications in respect of children and young persons), would exceed £3,000;
 (b) a claimant who—
 (i) is not a member of a couple or a polygamous marriage, and
 (ii) is a patient within the meaning of regulation 85(4) (special cases) and has been for a period of more than six weeks, or

(32) Regulation 121(1)(b) was amended by regulation 9(3) of S.R. 1996 No. 288

(33) Paragraph 15 was amended by regulation 4(3)(a) of S.R. 2000 No. 74

(34) Paragraph 15A is inserted by regulation 4(c)(ii) of these Regulations

(35) Paragraph 16 was amended by Article 21(2) of S.R. 2000 No. 38

(36) Paragraph 17 was amended by regulation 4(3)(b) of S.R. 2000 No. 74

(37) Paragraph 12 was amended by regulation 2(17)(b) of S.R. 1996 No. 503 and regulation 11(3) of S.R. 1998 No. 324

- (c) a member of a couple or a polygamous marriage where each member is a patient within the meaning of regulation 85(4) (special cases) and has been for a period of more than six weeks.”;
- (iii) after paragraph 20(8)(38) there shall be added to the table the following sub-paragraph—

“(9) Enhanced disability premium where the conditions in paragraph 15A are satisfied.	(a) (9) £5·95 in respect of each child or young person in respect of whom the conditions specified in paragraph 15A are satisfied;
	(b) £5·95 in respect of each person who is neither— (i) a child or young person, nor (ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15A are satisfied;
	(c) £8·60 where the claimant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15A are satisfied in respect of a member of that couple or polygamous marriage.”;

- (iv) for paragraph 20C(39) there shall be substituted the following paragraph—

“20C.—(1) Subject to sub-paragraph (2), the following premiums, namely—

- (a) a severe disability premium to which paragraph 20I applies;
- (b) an enhanced disability premium to which paragraph 20IA applies, and
- (c) a carer premium to which paragraph 20J applies,

may be applicable in addition to any other premium which may apply under this Part of this Schedule.

(2) An enhanced disability premium in respect of a person shall not be applicable in addition to—

- (a) a pensioner premium under paragraph 20E, or
- (b) a higher pensioner premium under paragraph 20F.”;

- (v) after paragraph 20I(40) there shall be inserted the following paragraph—

(38) Paragraph 20(8) was amended by Article 21(5) and Schedule 10 to [S.R. 2000 No. 38](#)

(39) Paragraph 20C was inserted by regulation 2(5) and paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#)

(40) Paragraph 20I was inserted by regulation 2(5) and paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#)

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

“Enhanced disability premium

20IA.—(1) Subject to sub-paragraph (2), the condition is that the care component of disability living allowance is, or would, but for a suspension of benefit in accordance with regulations under section 113(2) of the Benefits Act or but for an abatement as a consequence of hospitalisation, be payable at the highest rate prescribed under section 72(3) of the Benefits Act in respect of a member of a joint claim couple who is aged less than 60.

(2) An enhanced disability premium shall not be applicable in respect of a joint-claim couple where each member of that couple or each member of a polygamous marriage of which one member of that couple is a member, is a patient within the meaning of regulation 85(4) (special cases) and has been for a period of more than six weeks.”;

(vi) after paragraph 20M(5)(41), there shall be added to the table the following sub-paragraph—

“(6) Enhanced disability premium where the conditions in paragraph 20IA are satisfied.	(6) £8·60 where the conditions specified in paragraph 20IA are satisfied in respect of a member of a joint-claim couple.”.
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Sealed with the Official Seal of the Department for Social Development on 20th November 2000.

L.S.

John O'Neill
Senior Officer of the
Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 3 of the foregoing Regulations
Sealed with the Official Seal of the Department of Finance and Personnel on 23rd November 2000.

L.S.

Brian Delaney
Senior Officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Income Support (General) Regulations (Northern Ireland) 1987 and the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

Regulation 2 of these Regulations amends the Income Support (General) Regulations (Northern Ireland) 1987. A new premium (an "enhanced disability premium") is added to Schedule 2 (applicable amounts). Regulation 2 also makes minor consequential amendments to those Regulations.

Regulation 3 amends the Housing Benefit (General) Regulations (Northern Ireland) 1987 by adding an enhanced disability premium to Schedule 2 (applicable amounts) and making minor consequential amendments.

Regulation 4 similarly amends the Jobseeker's Allowance Regulations (Northern Ireland) 1996.

In so far as these Regulations are required, for the purposes of regulation 3, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, ("the 1992 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 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.