

**2004 No. 213**

**HOUSING; RATES; SOCIAL SECURITY**

**The Social Security (Miscellaneous Amendments No. 3)  
Regulations (Northern Ireland) 2004**

*Made* - - - - - *6th May 2004*

*Coming into operation* *12th May 2004*

The Department for Social Development, in exercise of the powers conferred on it by sections 122(1)(a) and (d), 131(1), 132(3) and (4)(b) and (d), 134(1)(a) and 171(4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Articles 14(1) and (4)(b) and (d) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b) and Article 2(2) of, and paragraph 8 of Schedule 1 to, the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997(c), and now vested in it(d), section 15(3) and (6)(b) and (d) of the State Pensions Credit (Northern Ireland) Act 2002(e), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(f), in so far as regulations 2, 3(1), (2)(a), (3), (4)(a), (5) and (6)(a) are concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of those regulations should not be referred to it(g), hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2004 and shall come into operation on 12th May 2004.

(2) In these Regulations –

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (Northern Ireland) 1987(h);

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

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(j);

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- (a) 1992 c. 7; section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
  - (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) S.I. 1997/1183 (N.I. 12)
  - (d) See Article 8(b) of and Part II of Schedule 6 to S.R. 1999 No. 481
  - (e) 2002 c. 14 (N.I.)
  - (f) 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)); see also Article 6(b) of and Part II of Schedule 4 to S.R. 1999 No. 481
  - (g) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
  - (h) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 2003 No. 197
  - (i) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233 and S.R. 2003 No. 191
  - (j) S.R. 1996 No. 198

“the Recovery of Benefits Regulations” means the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997(a);

“the Social Fund Maternity and Funeral Expenses Regulations” means the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987(b);

“the State Pension Credit Regulations” means the State Pension Credit Regulations (Northern Ireland) 2003(c).

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

### **Common amendments relating to interpretation**

**2.** In regulation 2(1) of each of the Housing Benefit Regulations(e) and the Income Support Regulations(f) and regulation 1(2) of each of the Jobseeker’s Allowance Regulations and the State Pension Credit Regulations –

(a) in the definition of “qualifying person” for “or the Eileen Trust” there shall be substituted “, the Eileen Trust or the Skipton Fund”;

(b) immediately after the definitions of –

(i) in the Housing Benefit Regulations, the Income Support Regulations and the Jobseeker’s Allowance Regulations, “single claimant”, and

(ii) in the State Pension Credit Regulations, “residential care home”,

there shall be inserted the following definition –

“ “the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions;”.

### **Common amendments relating to capital to be disregarded**

**3.—**(1) In each of the paragraphs of the Schedules to the Regulations specified in paragraph (2) for “or the Independent Living Funds” there shall be substituted “, the Independent Living Funds or the Skipton Fund”.

(2) The paragraphs of the Schedules specified for the purpose of paragraph (1) are –

(a) paragraph 23(1)(g) of Schedule 5 to the Housing Benefit Regulations;

(b) paragraph 22(1)(h) of Schedule 10 to the Income Support Regulations;

(c) paragraph 15(1) of Schedule 5 to the State Pension Credit Regulations.

(3) In each of the paragraphs of the Schedules to the Regulations specified in paragraph (4) for “and the Eileen Trust” there shall be substituted “, the Eileen Trust and the Skipton Fund”.

(4) The paragraphs of the Schedules specified for the purpose of paragraph (3) are –

(a) paragraph 23(7)(i) of Schedule 5 to the Housing Benefit Regulations;

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(a) S.R. 1997 No. 429

(b) S.R. 1987 No. 150; relevant amending Regulations are S.R. 1997 No. 155 and S.R. 2001 No. 150

(c) S.R. 2003 No. 28

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

(e) The definition of “qualifying person” was inserted by regulation 4(2)(b) of S.R. 1992 No. 201 and amended by regulation 4(2)(b) of S.R. 1993 No. 233

(f) The definition of “qualifying person” was inserted by regulation 5(2)(b) of S.R. 1992 No. 201 and amended by regulation 5(2)(b) of S.R. 1993 No. 233

(g) Paragraph 23 was substituted by regulation 3(8)(a) of S.R. 1991 No. 204 and amended by regulation 4(8)(a)(i) of S.R. 1992 No. 201, regulation 4(3)(g) of S.R. 1993 No. 195 and regulation 4(6)(a) of S.R. 1993 No. 233

(h) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204 and amended by regulation 5(8)(a)(i) of S.R. 1992 No. 201, regulation 5(3)(g) of S.R. 1993 No. 195 and regulation 5(5)(a) of S.R. 1993 No. 233

(i) Sub-paragraph (7) was added by regulation 4(8)(a)(vi) of S.R. 1992 No. 201 and amended by regulation 4(6)(b) of S.R. 1993 No. 233

- (b) paragraph 22(7)(a) of Schedule 10 to the Income Support Regulations;
- (c) paragraph 15(7) of Schedule 5 to the State Pension Credit Regulations.
- (5) In each of the paragraphs of the Schedules to the Regulations specified in paragraph (6) after “the Eileen Trust” there shall be inserted “, the Skipton Fund”.
- (6) The paragraphs of the Schedules specified for the purpose of paragraph (5) are –
  - (a) paragraph 16(1)(a) of Schedule 5ZA(b) to the Housing Benefit Regulations;
  - (b) paragraph 27(1) of Schedule 7 to the Jobseeker’s Allowance Regulations.

#### **Further amendment of the Income Support Regulations**

4. In paragraph 12(1)(d)(i) of Schedule 2 to the Income Support Regulations(c) (applicable amounts) for “Social Security (Hospital In-Patient) Regulations (Northern Ireland)1975” there shall be substituted “Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(d) or the Social Security (Disability Living Allowance) Regulations (Northern Ireland)1992(e)”.

#### **Amendment of the Recovery of Benefit Regulations relating to the Skipton Fund**

5. In regulation 2(2) of the Recovery of Benefit Regulations (exempted trusts and payments) –
- (a) in sub-paragraph (i) for “10th April 1992.” there shall be substituted “10th April 1992;”;
  - (b) after sub-paragraph (i) there shall be added the following sub-paragraph –
    - “(j) any payment made from the Skipton Fund, the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions.”.

#### **Amendment of the Social Fund Maternity and Funeral Expenses Regulations relating to the Skipton Fund**

6. In regulation 7(2) of the Social Fund Maternity and Funeral Expenses Regulations(f) (deductions from an award of a funeral payment) –
- (a) for “or the Eileen Trust” there shall be substituted “, the Eileen Trust or the Skipton Fund”;
  - (b) for “and “the Eileen Trust”” there shall be substituted “, “the Eileen Trust” and “the Skipton Fund””.

Sealed with the Official Seal of the Department for Social Development on 6th May 2004.

(L.S.)

*John O’Neill*  
Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulations 2, 3(1) and 2(a), (3), (4)(a), (5) and (6)(a) of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 7th May 2004.

(L.S.)

*Ciaran Doran*  
Senior Officer of the Department of Finance and Personnel

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(a) Sub-paragraph (7) was added by regulation 5(8)(a)(vi) of S.R. 1992 No. 201 and amended by regulation 5(5)(b) of S.R. 1993 No. 233  
(b) Schedule 5ZA was inserted by regulation 12(1) of and Schedule 2 to S.R. 2003 No. 197  
(c) Head (d) was substituted by regulation 24(5)(e) of S.R. 2003 No. 191  
(d) S.R. 1992 No. 20  
(e) S.R. 1992 No. 32  
(f) Paragraph (2) was added by regulation 2(6)(c) of S.R. 1997 No. 155 and amended by regulation 3 of S.R. 2001 No. 150

## EXPLANATORY NOTE

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

These Regulations amend the Housing Benefit (General) Regulations (Northern Ireland) 1987, the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996 and the State Pension Credit Regulations (Northern Ireland) 2003 ("the principal Regulations").

They also amend the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987 ("the Social Fund Maternity and Funeral Expenses Regulations") and the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997 ("the Recovery of Benefit Regulations").

The principal Regulations are amended to –

- insert a definition of the Skipton Fund (regulation 2);
- include in the definition of "qualifying person" reference to a person in respect of whom payment has been made from the Skipton Fund (regulation 2);
- provide that payments made to a person from the Skipton Fund will be disregarded when calculating a person's capital and, in the case of the State Pension Credit Regulations (Northern Ireland) 2003, provide that payments received will be disregarded for the purpose of calculating a person's income from capital (regulation 3).

The Skipton Fund is an ex-gratia payment scheme administered by the Skipton Fund Limited on behalf of the Department of Health, Social Services and Public Safety for the benefit of persons who have contracted hepatitis C from National Health Service (NHS)/Health and Personal Social Services (HPSS) blood, blood products or tissue.

Regulation 4 amends the Income Support (General) Regulations (Northern Ireland) 1987 to correct a reference to supporting legislation in the conditions for Higher Pensioner Premium and Disability Premium which was inserted by the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003 (S.R. 2003 No. 191).

Regulation 5 amends regulation 2(2) of the Recovery of Benefits Regulations to include an exemption for payments made from the Skipton Fund from the compensation recovery scheme.

Regulation 6 amends regulation 7 of the Social Fund Maternity and Funeral Expenses Regulations to provide that payments received from the Skipton Fund will not be deducted from an award of a funeral payment.

In so far as these Regulations are required, for the purposes of regulations 2, 3(1) and (2)(a), (3), (4)(a), (5) and (6) 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 Work and Pensions 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.







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