

2005 No. 319 (C. 23)

HOUSING; RATES; SOCIAL SECURITY

**The Children (Leaving Care) (2002 Act) (Commencement
No. 2 and Consequential Provisions) Order
(Northern Ireland) 2005**

Made - - - - - *29th June 2005*

The Department for Social Development, in exercise of the powers conferred on it by section 9(3) and (4) of the Children (Leaving Care) Act (Northern Ireland) 2002^(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation

1. This Order may be cited as the Children (Leaving Care) (2002 Act) (Commencement No. 2 and Consequential Provisions) Order (Northern Ireland) 2005.

Appointed day

2. The day appointed for the coming into operation of section 6 (exclusion from benefits) of the Children (Leaving Care) Act (Northern Ireland) 2002 is –

- (a) 30th June 2005 for the purpose only of making Regulations; and
- (b) 1st September 2005 for all other purposes.

Consequential amendments

3.—(1) The consequential amendments effected by this Order shall take effect as from 1st September 2005.

(2) The Income Support (General) Regulations (Northern Ireland) 1987^(b) shall be amended in accordance with Schedule 1.

(3) The Housing Benefit (General) Regulations (Northern Ireland) 1987^(c) shall be amended in accordance with Schedule 2.

(4) The Jobseeker's Allowance Regulations (Northern Ireland) 1996^(d) shall be amended in accordance with Schedule 3.

^(a) 2002 c. 11

^(b) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 146, S.R. 1989 No. 249, S.R. 1990 No. 131, S.R. 1992 No. 403, S.R. 1993 No. 373, S.R. 1996 No. 199, S.R. 1997 No. 412, S.R. 1998 No. 2, S.R. 2000 No. 71 and S.R. 2003 No. 1

^(c) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1990 No. 136, S.R. 1996 No. 334 and S.R. 1998 No. 2

^(d) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 356

Sealed with the Official Seal of the Department for Social Development on 29th June 2005.

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

SCHEDULE 1

Article 3(2)

AMENDMENTS TO THE INCOME SUPPORT (GENERAL) REGULATIONS (NORTHERN IRELAND) 1987

1. In regulation 4ZA(a) (prescribed categories of person) after paragraph (3) there shall be inserted the following paragraph –

“(3A) Paragraph (1) does not apply to a person to whom section 6 of the Children (Leaving Care) Act (Northern Ireland) 2002 (exclusion from benefits) applies.”.

2. In regulation 14 (persons of a prescribed description) for paragraph 2(b) there shall be substituted the following paragraph –

“(2) Paragraph (1) shall not apply to a person who is –

- (a) receiving advanced education within the meaning of regulation 12(2)(c) (relevant education);
- (b) entitled to income support or would, but for section 130(2) (provision against dual entitlement of members of family) of the Contributions and Benefits Act, be so entitled; or
- (c) a person to whom section 6 of the Children (Leaving Care) Act (Northern Ireland) 2002(d) (exclusion from benefits) applies.”.

- 3. (a) In each of the provisions specified in sub-paragraph (b) for “Article 18, 35 or 36” there shall be substituted “Article 18, 34C, 34D or 35A”(e);
- (b) The provisions specified for the purposes of sub-paragraph (a) (which relates to references to Articles 18, 35 or 36 of the Children Order(f)) are –
 - (i) paragraph 28(g) of Schedule 9 (sums to be disregarded in the calculation of income other than earnings);
 - (ii) paragraph 17(h) of Schedule 10 (capital to be disregarded).

SCHEDULE 2

Article 3(3)

AMENDMENTS TO THE HOUSING BENEFIT (GENERAL) REGULATIONS (NORTHERN IRELAND) 1987

1. In regulation 13 (persons of a prescribed description) for paragraph 2(i) there shall be substituted the following paragraph –

“(2) Paragraph (1) shall not apply to a person who is –

- (a) on income support or an income-based jobseeker’s allowance;
- (b) receiving advanced education within the meaning of regulation 12(2) of the Income Support (General) Regulations (Northern Ireland) 1987 (relevant education); or
- (c) a person to whom section 6 of the Children (Leaving Care) Act (Northern Ireland) 2002 (exclusion from benefits) applies.”.

- 2. (a) In each of the provisions specified in sub-paragraph (b) for “Article 18, 35 or 36” there shall be substituted “Article 18, 34C, 34D or 35A”;
- (b) The provisions specified for the purposes of sub-paragraph (a) (which relates to references to Articles 18, 35 or 36 of the Children Order) are –

(a) Paragraph 4ZA was inserted by regulation 4 of S.R. 1996 No. 199 and amended by regulation 5(2) of S.R. 1997 No. 412; regulation 5(3) of S.R. 2000 No. 71 and the Schedule to, S.R. 2000 No. 241

(b) Paragraph (2) was amended by regulation 6 of S.R. 1990 No. 131

(c) Regulation 12 was substituted by regulation 5 of S.R. 1990 No. 131 and amended by regulation 4(4) of S.R. 1992 No. 403 and regulation 4(4) of S.R. 1993 No. 373

(d) 2002 (c. 11)

(e) Articles 34C and 34D were inserted into the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) by section 2(3) of the Children (Leaving Care) Act (Northern Ireland) 2002 and Article 35A was inserted by section 4 of that Act S.I. 1995/755 (N.I. 2)

(f) Paragraph 28 was amended by regulation 36(c) of S.R. 1988 No. 146, regulation 12 of S.R. 1989 No. 249 and regulation 2(8)(d) of S.R. 1998 No. 2

(g) Paragraph 17 was amended by regulation 37(d) of S.R. 1988 No. 146, regulation 12 of S.R. 1989 No. 249 and regulation 2(9) of S.R. 1998 No. 2

(i) Paragraph (2) was amended by regulation 4 of S.R. 1990 No. 136 and regulation 6 of S.R. 1996 No. 334

- (i) paragraph 28(a) of Schedule 4 (sums to be disregarded in the calculation of income other than earnings);
- (ii) paragraph 18(b) of Schedule 5 (capital to be disregarded).

SCHEDULE 3

Article 3(4)

AMENDMENTS TO THE JOBSEEKER'S ALLOWANCE REGULATIONS (NORTHERN IRELAND) 1996

1. In regulation 57 (interpretation of Part IV) in paragraph (1), for the definition of "young person" there shall be substituted the following definition –

““young person”(c) means a person –

- (a) who has reached the age of 16 but not the age of 18;
- (b) who does not satisfy the conditions in Article 4 of the Order or whose entitlement to a contribution-based jobseeker's allowance has ceased as a result of Article 7(1); and
- (c) who is not a person to whom section 6 of the Children (Leaving Care) Act (Northern Ireland) 2002 (exclusion from benefits) applies.”.

2. In regulation 76(2)(c) (persons of a prescribed description), for “so entitled.” there shall be substituted –

“so entitled, or

- (d) a person to whom section 6 of the Children (Leaving Care) Act (Northern Ireland) 2002 (exclusion from benefits) applies.”.

- 3. (a) In each of the provisions specified in sub-paragraph (b) for “Article 18, 35 or 36” there shall be substituted “Article 18, 34C, 34D or 35A”;
- (b) The provisions specified for the purposes of sub-paragraph (a) (which relates to references to Articles 18, 35 or 36) are –
 - (i) paragraph 29 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings);
 - (ii) paragraph 22 of Schedule 7 (capital to be disregarded).

(a) Paragraph 28 was substituted by regulation 3(6)(d) of S.R. 1998 No. 2

(b) Paragraph 18 was substituted by regulation 3(7) of S.R. 1998 No. 2

(c) The definition of “young person” was substituted by regulation 3 of S.R. 1996 No. 356

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides that section 6 (exclusion from benefits) of the Children (Leaving Care) Act (Northern Ireland) 2002 shall come into operation on 30th June 2005 for the purpose of making Regulations and on 1st September 2005 for all other purposes.

Article 3 and Schedules 1 to 3 make consequential amendments to 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. Those amendments take effect from 1st September 2005.

The consequential amendment Regulations in Schedules 1 to 3 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 Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

This Order does not impose a charge on business.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order.)

Sections 1 to 5 and 7 of the Children (Leaving Care) Act (Northern Ireland) 2002 have been brought into operation by the Children Leaving Care (2002 Act) (Commencement No. 1) Order (Northern Ireland) 2005 (S.R. 2005 No. 189 (C. 13)).

© Crown Copyright 2005

£3.00

Published by The Stationery Office Limited

ISBN 0-337-96093-3



9 780337 960932