

2005 No. 550

HOUSING; RATES; SOCIAL SECURITY

**The Income-related Benefits (Amendment No. 2) Regulations
(Northern Ireland) 2005**

Made - - - - *8th December 2005*

Coming into operation - *12th December 2005*

The Department for Social Development, in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b), 132A(3), 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 14(1) and (4)(b) and 36(2)(a) of the Jobseekers (Northern Ireland) Order 1995(b) and paragraph 8 of Schedule 1 to the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997(c), and now vested in it(d), and sections 15(6)(b) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 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 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(g), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-related Benefits (Amendment No. 2) Regulations (Northern Ireland) 2005 and shall come into operation on 12th December 2005.

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

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(i) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation)—

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- (a) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)); section 134(1) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (b) S.I. 1995/2705 (N.I. 15); Article 36(2)(a) 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 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 S.R. 1999 No. 481
- (g) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
- (h) 1954 c. 33 (N.I.)
- (i) S.R. 1987 No. 459; relevant amending regulations are S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 No. 233, S.R. 1998 No. 326, S.R. 2000 No. 241, S.R. 2004 Nos. 213 and 389 and S.R. 2005 No. 374

(a) after the definition of “liable relative” there shall be inserted the following definition—

““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;” and

(b) in the definition of “qualifying person”(a) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(3) In regulation 51(3A)(a)(b) (notional capital) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(4) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 39(7)(c) for “and the Skipton Fund” there shall be substituted “, the Skipton Fund and the London Bombings Relief Charitable Fund”.

(5) In Schedule 10 (capital to be disregarded)—

(a) in paragraph 22(d)—

(i) in sub-paragraph (1) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”, and

(ii) in sub-paragraph (7) for “and the Skipton Fund” there shall be substituted “, the Skipton Fund and the London Bombings Relief Charitable Fund”; and

(b) paragraph 22A(e) shall be omitted.

Amendment of the Housing Benefit (General) Regulations

3.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(f) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “invalid carriage or other vehicle” there shall be inserted the following definition—

““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;” and

(b) in the definition of “qualifying person”(g) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(3) In regulation 43(3A)(a)(h) (notional capital) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

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- (a) The definition of “qualifying person” was inserted by regulation 5(2)(b) of S.R. 1992 No. 201 and amended by regulation 2(a) of S.R. 2004 No. 213
- (b) Paragraph (3A) was inserted by regulation 3(2)(b) and (3)(c) of S.R. 1998 No. 326 and sub-paragraph (a) was amended by regulation 2(1) and (2)(b) of S.R. 2004 No. 389
- (c) Paragraph 39 was substituted by regulation 4(7)(b) of S.R. 1991 No. 204 and sub-paragraph (7) was added by regulation 5(7)(b)(vi) of S.R. 1992 No. 201 and amended by regulation 2(3) and (4)(b) of S.R. 2004 No. 389
- (d) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204 and amended by regulation 5(8)(a) of S.R. 1992 No. 201, regulation 5(5)(a) of S.R. 1993 No. 233, regulation 3(5) of S.R. 2000 No. 241 and regulation 3(1), (2)(b), (3) and (4)(b) of S.R. 2004 No. 213
- (e) Paragraph 22A was inserted by regulation 2 of S.R. 2005 No. 374
- (f) S.R. 1987 No. 461; relevant amending regulations are S.R. 1991 No. 204, S.R. 1992 Nos. 141 and 201, S.R. 1993 No. 233, S.R. 1998 No. 325, S.R. 2003 No. 197, S.R. 2004 Nos. 213 and 389 and S.R. 2005 No. 374
- (g) The definition of “qualifying person” was inserted by regulation 4(2)(b) of S.R. 1992 No. 201 and amended by regulation 2(a) of S.R. 2004 No. 213
- (h) Paragraph (3A) was inserted by regulation 3(b) of S.R. 1998 No. 325 and amended by regulation 2(1) and (2)(a) of S.R. 2004 No. 389

(4) In regulation 73(3)(a)(ii)(a) (evidence and information) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(5) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings) in paragraph 37(7)(b) for “and the Skipton Fund” there shall be substituted “, the Skipton Fund and the London Bombings Relief Charitable Fund”.

(6) In Schedule 5 (capital to be disregarded)—

(a) in paragraph 23(c)—

(i) in sub-paragraph (1) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”, and

(ii) in sub-paragraph (7) for “and the Skipton Fund” there shall be substituted “, the Skipton Fund and the London Bombings Relief Charitable Fund”; and

(b) paragraph 23A(d) shall be omitted.

(7) In Schedule 5ZA(e) (capital to be disregarded)—

(a) in paragraph 16(1)(a)(f) after “Skipton Fund” there shall be inserted “, the London Bombings Relief Charitable Fund”; and

(b) paragraph 16A(g) shall be omitted.

(8) The amendments made by paragraph (7) are to the Regulations as modified in their application to persons to whom regulation 2 of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003 (h) applies.

Amendment of the Jobseeker’s Allowance Regulations

4.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(i) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of “liable relative” there shall be inserted the following definition—

““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;” and

(b) in the definition of “qualifying person”(j) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(3) In regulation 113(3A)(a)(k) (notional capital) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(4) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) at the end of paragraph 41(7)(I) there shall be added “and the London Bombings Relief Charitable Fund”.

(a) Paragraph (3) was added by regulation 8(b) of S.R. 1992 No. 141 and sub-paragraph (a) was amended by regulation 4(6) of S.R. 1992 No. 201, regulation 4(4) of S.R. 1993 No. 233 and regulation 2(6) of S.R. 2004 No. 389

(b) Paragraph 37 was substituted by regulation 3(7) of S.R. 1991 No. 204 and sub-paragraph (7) was added by regulation 4(7)(f) of S.R. 1992 No. 201 and amended by regulation 2(3) and (4)(a) of S.R. 2004 No. 389

(c) Paragraph 23 was substituted by regulation 3(8)(a) of S.R. 1991 No. 204 and amended by regulation 4(8)(a) of S.R. 1992 No. 201, regulation 4(6) of S.R. 1993 No. 233 and regulation 3(1), (2)(a), (3) and (4)(a) of S.R. 2004 No. 213

(d) Paragraph 23A was inserted by regulation 3(2) of S.R. 2005 No. 374

(e) Schedule 5ZA was inserted by regulation 12 of, and Schedule 2 to, S.R. 2003 No. 197

(f) Paragraph 16(1)(a) was amended by regulation 3(5) and (6)(a) of S.R. 2004 No. 213

(g) Paragraph 16A was inserted by regulation 3(4) of S.R. 2005 No. 374

(h) S.R. 2003 No. 197

(i) S.R. 1996 No. 198; relevant amending regulations are S.R. 1998 No. 326, S.R. 2004 Nos. 213 and 389 and S.R. 2005 No. 374

(j) The definition of “qualifying person” was amended by regulation 2(a) of S.R. 2004 No. 213

(k) Paragraph (3A) was inserted by regulation 3(1)(b) of S.R. 1998 No. 326 and sub-paragraph (a) was amended by regulation 2(1) and (2)(c) of S.R. 2004 No. 389

(l) Paragraph 41(7) was added by regulation 2(5) of S.R. 2004 No. 389

(5) In Schedule 7 (capital to be disregarded)—

- (a) in paragraph 27(1)(a) after the words “Skipton Fund” there shall be inserted “, the London Bombings Relief Charitable Fund”; and
- (b) paragraph 27A(b) shall be omitted.

Amendment of the Social Security (Recovery of Benefits) Regulations

5. In regulation 2(2) of the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997(c) (exempted trusts and payments) after sub-paragraph (j) there shall be added the following sub-paragraph—

- “(k) any payment made from the London Bombings Relief Charitable Fund, the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005.”.

Amendment of the State Pension Credit Regulations

6.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(d) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation)—

- (a) after the definition of “the Jobseeker’s Allowance Regulations” there shall be inserted the following definition—

““the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;” and

- (b) in the definition of “qualifying person”(e) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”.

(3) In Schedule 5 (income from capital)—

- (a) in paragraph 15(f)—

- (i) in sub-paragraph (1) for “or the Skipton Fund” there shall be substituted “, the Skipton Fund or the London Bombings Relief Charitable Fund”, and
- (ii) in sub-paragraph (7) for “and the Skipton Fund” there shall be substituted “, the Skipton Fund and the London Bombings Relief Charitable Fund”; and

- (b) paragraph 15A(g) shall be omitted.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations

7. In regulation 10 of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(h) (deductions from an award of a funeral payment)—

- (a) in paragraph (2)—

- (i) at the end of sub-paragraph (f) the word “or” shall be omitted, and

(a) Paragraph 27(1) was amended by regulation 3(5) and (6)(b) of S.R. 2004 No. 213
(b) Paragraph 27A was inserted by regulation 4 of S.R. 2005 No. 374
(c) S.R. 1997 No. 429; regulation 2(2) was amended by regulation 5 of S.R. 2004 No. 213
(d) S.R. 2003 No. 28; relevant amending regulations are S.R. 2004 No. 213 and S.R. 2005 No. 374
(e) The definition of “qualifying person” was amended by regulation 2(a) of S.R. 2004 No. 213
(f) Paragraph 15 was amended by regulation 3(1), (2)(c), (3) and (4)(c) of S.R. 2004 No. 213
(g) Paragraph 15A was inserted by regulation 5 of S.R. 2005 No. 374
(h) S.R. 2005 No. 506

- (ii) at the end of sub-paragraph (g) there shall be inserted—
“or
(h) the London Bombings Relief Charitable Fund,”; and
(b) in paragraph (3) for “and “the Skipton Fund”” there shall be substituted “, “the Skipton Fund” and “the London Bombings Relief Charitable Fund””.

Revocation

8. The Income-related Benefits (Amendment) Regulations (Northern Ireland) 2005(a) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 8th December 2005.



John O'Neill
A 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 8th December 2005.



Jack Layberry
A senior officer of the Department of Finance and Personnel

(a) S.R. 2005 No. 374

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend 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 make provision for grants paid by the London Bombings Relief Charitable Fund ("the Fund"), and certain payments derived from these grants, to be disregarded when calculating that person's capital or income for the purpose of an award of benefit.

The Regulations also amend the State Pension Credit Regulations (Northern Ireland) 2003 to provide for grants paid by the Fund to a person, and certain payments derived from these grants, to be disregarded when calculating that person's income from capital for the purpose of an award of state pension credit.

These Regulations replace the previous disregards that applied in respect of payments from the Fund.

Regulation 3(4) provides, in relation to housing benefit, that a person is not required to furnish any evidence and information about a payment from the Fund when making a claim or in connection with an award.

Regulation 5 amends regulation 2(2) of the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997 to include an exemption for payments made from the Fund from the compensation recovery scheme.

Regulation 7 amends regulation 10 of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 to ensure that payments from the Fund are not deducted in calculating the amount of a funeral payment.

Regulation 8 makes a consequential revocation.

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, 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, that Act, are not subject to the requirement of section 149(2) for prior reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.