

2007 No. 154

HOUSING; RATES; SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments) Regulations
(Northern Ireland) 2007**

Made - - - -

9th March 2007

Coming into operation in accordance with regulation 1

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 123(1)(e), 129(2), 131(1) and (2), 132(3) and (4)(a) to (c), 134(1)(a) and 171(1) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 3(2C), 6(5) and (12), 14(1), (2) and (4)(a) to (c) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), and sections 2(3)(b) and (7), 17(2)(b) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002(d).

Regulations 7 and 8 are made with the consent of the Department of Finance and Personnel(e).

The Social Security Advisory Committee has agreed that proposals in respect of regulations 7 and 8 should not be referred to it(f).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2007.

(2) This regulation and regulations 2(1), (3) to (6), (7)(b)(ii) and (e), (8)(a) and (9), 3(1), (3) to (7), (8)(d) and (j), (9)(a), (11) and (12), 4, 6, 7 and 8 shall come into force on 2nd April 2007.

(3) Subject to paragraphs (4) and (5), regulations 2(8)(c), 3(9)(c) and 5 shall come into force on 8th April 2007.

(4) Regulations 2(8)(c) and 3(9)(c) shall come into operation immediately after regulation 5.

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- (a) 1992 c. 7; section 123(1)(e) was inserted by paragraph 13(5) of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)); section 129(2) was amended by Article 8(2) of the Housing Support Services (Northern Ireland) Order 2002 (S.I. 2002/3154 (N.I. 8)); section 134(1)(a) was substituted by Article 66(1) of the Social Security (Northern Ireland) Order 1988 (S.I. 1998/1506 (N.I. 10)); section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (b) S.I. 1995/2705 (N.I. 15); Article 3(2C) was inserted by paragraph 3(3) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999
- (c) See Article 8(b) of S.R. 1999 No. 481
- (d) 2002 c. 14 (N.I.)
- (e) 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
- (f) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(5) Regulation 2(8)(c), 3(9)(c) and 5, in so far as they relate to a particular beneficiary, shall not apply on any day in a benefit week to commence for that beneficiary before 9th April 2007.

(6) Subject to paragraphs (7) and (8), regulations 2(2), (7)(a), (b)(i) and (iii), (c), (d) and (f) to (h), (8)(b) to (d), 3(2), (8)(a) to (c), (e) to (i), (k) and (l), (9)(b) and (10) and 9, in so far as they relate to a particular beneficiary, shall come into operation on the first day of the first benefit week to commence for that beneficiary on or after 9th April 2007.

(7) Regulations 2(7)(a), (c) and (f) to (h) and (8)(d), in so far as they relate to a particular beneficiary, shall come into operation immediately after Article 16 of the Up-rating Order 2007 comes into operation.

(8) Regulations 3(8)(a), (c), (e) to (g) and (l), in so far as they relate to a particular beneficiary, shall come into operation immediately after Article 22 of the Up-rating Order 2007 comes into operation.

(9) In this regulation—

“benefit week” has the same meaning as in—

- (i) regulation 2(1)(a) of the Income Support (General) Regulations (Northern Ireland) 1987(b) so far as it relates to regulations 2 and 5(2); and
- (ii) regulation 1(2)(c) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(d) so far as it relates to regulations 3 and 5(3);

“the Up-rating Order 2007” means the Social Security Benefits Up-rating Order (Northern Ireland) 2007(e).

(10) The Interpretation Act (Northern Ireland) 1954(f) 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 shall be amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation) after the definition of “lone parent” insert—

““long-term patient” means a person who—

- (a) is a patient within the meaning of regulation 21(3); and
- (b) has been such a patient for a continuous period of more than 52 weeks;”.

(3) In regulation 42(2) (notional income) for sub-paragraph (h)(g) substitute—

“(h) any sum to which paragraph 43(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in a way referred to in paragraph 43(1)(a),”.

(4) In regulation 51(h) (notional capital)—

(a) in paragraph (1) for sub-paragraph (c) substitute—

“(c) any sum to which paragraph 43(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in a way referred to in paragraph 43(1)(a).”; and

(b) in paragraph (2) for sub-paragraph (e) substitute—

(a) The definition of “benefit week” was amended by regulation 2(a) of S.R. 1988 No. 318
(b) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1990 No. 213, S.R. 1993 No. 373, S.R. 1994 No. 327, S.R. 1995 Nos. 67 and 367, S.R. 1997 No. 412, S.R. 1998 No. 324, S.R. 2000 Nos. 242 and 367, S.R. 2002 Nos. 80, 132 and 323, S.R. 2003 Nos. 191, 195, 261 and 413, S.R. 2004 No. 213, S.R. 2005 Nos. 458 and 580 and S.R. 2006 No. 359
(c) The definition of “benefit week” was amended by regulation 2(2) of S.R. 1996 No. 358, regulation 2(2)(a) of S.R. 1996 No. 503 and regulation 13(2) of S.R. 2006 No. 359
(d) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 503, S.R. 1997 No. 412, S.R. 2000 Nos. 242, 350 and 367, S.R. 2002 Nos. 80, 132, 236 and 323, S.R. 2003 Nos. 195 and 261, S.R. 2005 Nos. 458 and 580 and S.R. 2006 No. 359
(e) S.R. 2007 No. 153
(f) 1954 c. 33 (N.I.)
(g) Sub-paragraph 2(h) was inserted by regulation 5(4) of S.R. 1997 No. 412
(h) Sub-paragraph 1(c) and 2(e) were inserted by regulation 5(4) of S.R. 1997 No. 412

- “(e) any sum to which paragraph 43(2)(a) of Schedule 10 (capital to be disregarded) applies which is administered in a way referred to in paragraph 43(1)(a),”.
- (5) In regulation 66B(a) (treatment of payments from access funds)—
- (a) in paragraph (3) omit “(which has the same meaning as in paragraph 15(2) of Schedule 9)”; and
 - (b) after paragraph (3) insert—

“(3A) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—

 - (a) school uniforms, or
 - (b) clothing or footwear used solely for sporting activities.”.

(6) In regulation 68 (income treated as capital)—

 - (a) in paragraph (3)(b) omit “(which has the same meaning as in paragraph 15(2) of Schedule 9)”; and
 - (b) after paragraph (3) add—

“(4) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—

 - (a) school uniforms, or
 - (b) clothing or footwear used solely for sporting activities.”.

(7) In Schedule 2 (applicable amounts)—

 - (a) in paragraph 1(1)(c)(c) and (2)(c) (personal allowances) for “paragraph 11(a)” substitute “paragraph 11(1)(a)”;
 - (b) in paragraph 10 (higher pensioner premium)—
 - (i) in sub-paragraph (1)(d), at the beginning, insert “Subject to sub-paragraph (5), ”;
 - (ii) in sub-paragraph (4)(e) omit “, (2)(b)(ii)”, and
 - (iii) after sub-paragraph (4) add—

“(5) The condition is not satisfied if the claimant’s partner to whom sub-paragraph (1) refers is a long-term patient.”;
 - (c) in paragraph 11(f) (disability premium)—
 - (i) renumber paragraph 11 as paragraph 11(1),
 - (ii) in renumbered sub-paragraph (1), at the beginning, insert “Subject to sub-paragraph (2), ”, and
 - (iii) after that sub-paragraph add—

“(2) The condition is not satisfied if —

 - (a) the claimant is a single claimant or a lone parent and, in either case, is a long-term patient;
 - (b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or

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- (a) Regulation 66B was inserted by regulation 2(5) of S.R. 2000 No. 242 and paragraph (3) was amended by paragraph 9 of Part I of the Schedule to S.R. 2002 No. 132 and paragraph 17 of Schedule 1 to S.R. 2003 No 195 (except in a case where regulation 1(3) of those Regulations applies)
 - (b) Regulation 68(3) was added by regulation 2(6) of S.R. 2000 No. 242, amended by paragraph 10 of Part I of the Schedule to S.R. 2002 No. 132 and substituted by paragraph 17 of Schedule 1 to S.R. 2003 No 195 (except in a case where regulation 1(3) of those Regulations applies)
 - (c) Paragraph 1 was substituted by regulation 2 of S.R. 1990 No. 213
 - (d) Sub-paragraph (1) was substituted by regulation 24(5)(c) of S.R. 2003 No. 191 and amended by regulation 2(a) of S.R. 2003 No. 413
 - (e) Sub -paragraph (4) was added by regulation 8(3)(a) of S.R. 1998 No. 324 and amended by regulation 5(6)(a) of S.R. 2006 No 359
 - (f) Paragraph 11 was amended by regulation 24(5)(d) of S.R. 2003 No. 191 and regulation 2(b) of S.R. 2003 No. 413

- (c) the claimant is a member of a couple or polygamous marriage and a member of that couple or polygamous marriage is—
 - (i) a long-term patient, and
 - (ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1)(b) refers.”;
- (d) in paragraph 12(1) (additional condition for the higher pensioner and disability premiums)—
 - (i) in head (b)(ii)(bb)(a) for “paragraphs 2A and 2B” substitute “paragraph 2A”, and
 - (ii) in head (d)(b) omit “or 2B”;
- (e) in paragraph 13 (severe disability premium)—
 - (i) in sub-paragraph (3ZA)(c) for “the date on which the award is made” substitute “the date on which the award is first paid”, and
 - (ii) in sub-paragraph (5)(d) for “an invalid care allowance” substitute “a carer’s allowance”;
- (f) in paragraph 13A(e) (enhanced disability premium) for sub-paragraph (2) substitute—

“(2) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

 - (a) a child or young person—
 - (i) whose capital if calculated in accordance with Part V of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000, or
 - (ii) who is a long-term patient;
 - (b) a single claimant or a lone parent and, in either case, is a long-term patient;
 - (c) a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
 - (d) a member of a couple or polygamous marriage who—
 - (i) is a long-term patient, and
 - (ii) is the only member of the couple or polygamous marriage to whom sub-paragraph (1) refers.”;
- (g) for paragraph 14(f) (disabled child premium) substitute—

“Disabled Child Premium

14.—(1) Subject to sub-paragraph (2), the condition is that where the child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant’s household is—

- (a) in receipt of disability living allowance or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or
- (b) blind or treated as blind within the meaning of paragraph 12(1)(a)(iii) and (2).

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- (a) Head (b) was substituted by regulation 2(12)(a)(ii) of S.R. 1995 No. 67 and amended by regulation 2(8) of S.R. 1995 No. 367 and regulation 3(3)(a) of S.R. 2005 No.580
 - (b) Head (d) was substituted by regulation 24(5)(e) of S.R. 2003 No. 191 and amended by regulation 4 of S.R. 2004 No. 213 and regulation 3(3)(b) of S.R. 2005 No. 580
 - (c) Paragraph 13(3ZA) was inserted by regulation 2(9)(b) of S.R. 1994 No. 327 and amended by regulation 3 of S.R. 2002 No. 323
 - (d) Paragraph 13(5) was added by regulation 3(4) to S.R. 2002 No. 80
 - (e) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367 and amended by regulation 24(5)(f) of S.R. 2003 No. 191 and regulation 3(3) of S.R. 2003 No. 261; paragraph 13A(2)(a) was omitted by paragraph 20(c)(ii) of Schedule 1 to S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies)
 - (f) Paragraph 14 was omitted by paragraph 20(a) of Schedule 1 to S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies)

- (2) The condition is not satisfied in respect of a child or young person—
 - (a) whose capital, if calculated in accordance with Part V of these Regulations in like manner as for the claimant, except as provided in regulation 44(1), would exceed £3,000; or
 - (b) who is a long-term patient.”; and
- (h) in paragraph 15(4) (weekly amounts of premiums specified in Part III)—
 - (i) in head (a) for “paragraph 11(a)” substitute “paragraph 11(1)(a)”, and
 - (ii) in head (b) for “paragraph 11(b)” substitute “paragraph 11(1)(b)”.
- (8) In Schedule 7 (applicable amounts in special cases)—
 - (a) in the heading, for “Regulation 21” substitute “Regulations 21 and 21AA”;
 - (b) omit paragraph 2B(a) in Columns (1) and (2);
 - (c) omit paragraph 3(b) in Columns (1) and (2); and
 - (d) in paragraph 17, Columns (1) and (2), for “paragraph 11(b)” substitute “paragraph 11(1)(b)”.
- (9) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) in paragraph 30A(1)(c) for “whether or not the payment is charitable or voluntary” substitute “except a charitable or voluntary payment disregarded under paragraph 15”.

Amendment of the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996 shall be amended in accordance with paragraphs (2) to (12).

- (2) In regulation 1(2) (interpretation) after the definition of “lone parent” insert—
 - ““long-term patient” means a person who—
 - (a) is a patient within the meaning of regulation 85(4); and
 - (b) has been such a patient for a continuous period of more than 52 weeks;”.
- (3) In regulation 3E(2)(d)(d) (entitlement of a member of a joint-claim couple to a jobseeker’s allowance without a claim being made jointly by the couple) for “85” substitute “85A”.
- (4) In regulation 105(2) (notional income) for sub-paragraph (h)(e) substitute—
 - “(h) any sum to which paragraph 41(2)(a) of Schedule 7 (capital to be disregarded) applies which is administered in a way referred to in paragraph 41(1)(a),”.
- (5) In regulation 113(f) (notional capital)—
 - (a) in paragraph (1) for sub-paragraph (c) substitute—
 - “(c) any sum to which paragraph 41(2)(a) of Schedule 7 (capital to be disregarded) applies which is administered in a way referred to in paragraph 41(1)(a).”; and
 - (b) in paragraph (2) for sub-paragraph (e) substitute—
 - “(e) any sum to which paragraph 41(2)(a) of Schedule 7 (capital to be disregarded) applies which is administered in a way referred to in paragraph 41(1)(a),”.
- (6) In regulation 136A(g) (treatment of payments from access funds)—

(a) Paragraph 2B was substituted by regulation 3(5)(b) of S.R. 2005 No. 580
 (b) Paragraph 3 was omitted by paragraph 21(d) of Schedule 1 to S.R. 2003 No. 195 (except in a case where regulation 1(3) of those Regulations applies)
 (c) Paragraph 30A was inserted by regulation 4(22)(e) of S.R. 1993 No. 373 and sub-paragraph (1) was amended by paragraph 12(b)(i) of Schedule 1 to S.R. 2005 No. 458 and regulation 5(9)(e) of S.R. 2006 No. 359
 (d) Regulation 3E(2) was inserted by regulation 2(2) of S.R. 2000 No. 350 and amended by regulation 2(b) of S.R. 2002 No. 236
 (e) Regulation 105(2)(h) was inserted by regulation 6 of S.R. 1997 No. 412
 (f) Paragraphs 1(c) and 2(e) were inserted by regulation 6 of S.R. 1997 No. 412
 (g) Regulation 136A was inserted by regulation 3(7) of S.R. 2000 No. 242 and paragraph (3) was amended by paragraph 12 of Part II of the Schedule to S.R. 2002 No. 132 and paragraph 17 of Schedule 2 to S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies)

- (a) in paragraph (3) omit “(which has the same meaning as in paragraph 15(2) of Schedule 6)”; and
 - (b) after paragraph (3) insert—
 - “(3A) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—
 - (a) school uniforms, or
 - (b) clothing or footwear used solely for sporting activities.”.
- (7) In regulation 138(a) (income treated as capital)—
- (a) in paragraph (3) omit “(which has the same meaning as in paragraph 15(2) of Schedule 6)”; and
 - (b) after paragraph (3) add—
 - “(4) In paragraph (3) “ordinary clothing or footwear” means clothing or footwear for normal daily use, but it does not include—
 - (a) school uniforms, or
 - (b) clothing or footwear used solely for sporting activities.”.
- (8) In Schedule 1 (applicable amounts)—
- (a) in paragraph 1(1)(c), (2)(c) and (3)(d) (personal allowances) for “paragraph 13(a)” substitute “paragraph 13(1)(a)”;
 - (b) in paragraph 12 (higher pensioner premium)—
 - (i) in sub-paragraph (1)(b), at the beginning, insert “Subject to sub-paragraph (4), ”, and
 - (ii) after sub-paragraph (3) add—
 - “(4) The condition is not satisfied if—
 - (a) the claimant is a single claimant or a lone parent and, in either case, is a long-term patient;
 - (b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
 - (c) the claimant is a member of a couple or polygamous marriage and a member of that couple or polygamous marriage is—
 - (i) a long-term patient, and
 - (ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1)(b) or (c) refers.”;
 - (c) in paragraph 13 (disability premium)—
 - (i) renumber paragraph 13 as paragraph 13(1),
 - (ii) in renumbered sub-paragraph (1), at the beginning, insert “Subject to sub-paragraph (2), ”, and
 - (iii) after that sub-paragraph add—
 - “(2) The condition is not satisfied if—
 - (a) the claimant is a single claimant or a lone parent and, in either case, is a long-term patient;
 - (b) the claimant is a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or

(a) Regulation 138 was amended by regulation 3(8) of S.R. 2000 No. 242 and paragraph (3) was amended by paragraph 13 of Part II of the Schedule to S.R. 2002 No. 132 and paragraph 17 of Schedule 2 to S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies)

(b) Sub-paragraph (1) was amended by regulation 2(17)(b) of S.R. 1996 No. 503

- (c) the claimant is a member of a couple or polygamous marriage and a member of that couple or polygamous marriage—
 - (i) is a long-term patient, and
 - (ii) is the only member of the couple or polygamous marriage to whom the condition in sub-paragraph (1)(b) or (c) refers.”;
- (d) in paragraph 15 (severe disability premium) —
 - (i) in sub-paragraph (7)(a) for “the date on which the award is made” substitute “the date on which the award is first paid”, and
 - (ii) in sub-paragraph (9)(b) for “an invalid care allowance” substitute “a carer’s allowance”;
- (e) in paragraph 15A(c) (enhanced disability premium) for sub-paragraph (2) substitute—

“(2) The condition is not satisfied if the person to whom sub-paragraph (1) refers is—

 - (a) a child or young person—
 - (i) whose capital if calculated in accordance with Part VIII of these Regulations in like manner as for the claimant, except as provided in regulation 106(1), would exceed £3,000, or
 - (ii) who is a long-term patient;
 - (b) a single claimant or a lone parent and, in either case, is a long-term patient;
 - (c) a member of a couple or polygamous marriage and each member of the couple or polygamous marriage is a long-term patient; or
 - (d) a member of a couple or polygamous marriage who is—
 - (i) a long-term patient, and
 - (ii) the only member of the couple or polygamous marriage to whom sub-paragraph (1) refers.”;
- (f) for paragraph 16(d) (disabled child premium) substitute—

“Disabled Child Premium

16.—(1) Subject to sub-paragraph (2), the condition is that where the child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant’s household is—

- (a) in receipt of disability living allowance or is no longer in receipt of that allowance because he is a patient provided that the child or young person continues to be a member of the family; or
 - (b) blind or treated as blind within the meaning of paragraph 14(1)(h) and (2).
- (2) The condition is not satisfied in respect of a child or young person—
- (a) whose capital, if calculated in accordance with Part VIII of these Regulations in like manner as for the claimant, except as provided in regulation 106(1), would exceed £3,000, or
 - (b) who is a long-term patient.”;
- (g) in paragraph 20(5) (weekly amounts of premiums specified in Part III)—
 - (i) in head (a) for “paragraph 13(a)” substitute “paragraph 13(1)(a)”, and

(a) Sub-paragraph (7) was amended by regulation 3 of S.R. 2002 No. 323
 (b) Sub-paragraph (9) was added by regulation 5(4)(a) of S.R. 2002 No. 80
 (c) Paragraph 15A was inserted by regulation 4(c)(ii) of S.R. 2000 No. 367 and amended by regulation 5(3) of S.R. 2003 No. 261; sub-paragraph 15A(2)(a) was omitted by paragraph 20(c)(ii) of Schedule 2 to S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies)
 (d) Paragraph 16 was omitted by paragraph 20(a) of Schedule 2 to S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies)

- (ii) in head (b) for “paragraph 13(b) or (c)” substitute “paragraph 13(1)(b) or (c)”;
- (h) in paragraph 20F(a) (higher pensioner premium)—
 - (i) in sub-paragraph (1), at the beginning, insert “Subject to sub-paragraph (4), ”, and
 - (ii) after sub-paragraph (3) add—

“(4) The condition is not satisfied if the member of the joint-claim couple to whom sub-paragraph (1) refers is a long-term patient.”;
- (i) in paragraph 20G (disability premium)—
 - (i) renumber paragraph 20G as paragraph 20G(1),
 - (ii) in renumbered sub-paragraph (1), at the beginning, insert “Subject to sub-paragraph (2), ”, and
 - (iii) after that sub-paragraph add—

“(2) The condition is not satisfied if—

 - (a) sub-paragraph (1) only refers to one member of a joint-claim couple and that member is a long-term patient; or
 - (b) sub-paragraph (1) refers to both members of a joint-claim couple and both members of the couple are long-term patients.”;
- (j) in paragraph 20I (severe disability premium)—
 - (i) in sub-paragraph (6)—
 - (aa) for “invalid care allowance” substitute “carer’s allowance”, and
 - (bb) for “the date on which the award is made” substitute “the date on which the award is first paid”, and
 - (ii) in sub-paragraph (7)(b) for “an invalid care allowance” substitute “a carer’s allowance”;
- (k) in paragraph 20IA(c) (enhanced disability premium) for sub-paragraph (2) substitute—

“(2) The condition is not satisfied if—

 - (a) sub-paragraph (1) only refers to one member of a joint-claim couple and that member is a long-term patient, or
 - (b) sub-paragraph (1) refers to both members of a joint-claim couple and both members of the couple are long-term patients.”; and
- (l) in paragraph 20M(3) (weekly amounts of premiums specified in Part IVA) for “paragraph 20G” substitute “paragraph 20G(1)”.
- (9) In Schedule 4 (applicable amounts in special cases)—
 - (a) in the heading, for “Regulation 85” substitute “Regulations 85 and 85A”;
 - (b) omit paragraph 1A(d) in Columns (1) and (2); and
 - (c) omit paragraph 2(e) in Columns (1) and (2).
- (10) In Schedule 4A(f) (applicable amounts of joint-claim couples in special cases) omit paragraph 1A in Columns (1) and (2).

(a) Paragraphs 20A to 20M of Schedule 1 were inserted by paragraph 53(4) of Schedule 2 to S.R. 2000 No. 350

(b) Sub-paragraph (7) was added by regulation 5(4)(b) of S.R. 2002 No. 80

(c) Paragraph 20IA was inserted by regulation 4(c)(v) of S.R. 2000 No. 367 and amended by regulation 5(3) of S.R. 2003 No. 261

(d) Paragraph 1A was inserted by regulation 5(5)(b) of S.R. 2005 No. 580

(e) Paragraph 2 was omitted by paragraph 21(a) of Schedule 2 to S.R. 2003 No. 195 (except in a case where regulation 1(7) of those Regulations applies)

(f) Schedule 4A was inserted by paragraph 57 of Schedule 2 to S.R. 2000 No. 350 and paragraph 1A was inserted by regulation 5(6)(b) of S.R. 2005 No. 580

(11) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 32(1)(a) for “whether or not the payment is charitable or voluntary” substitute “except a charitable or voluntary payment disregarded under paragraph 15”.

(12) In Schedule 7 (capital to be disregarded) paragraph 41(b) shall be renumbered as paragraph 41(1).

Amendment of the State Pension Credit Regulations

4. In paragraph 1(2)(c) of Schedule 1 to the State Pension Credit Regulations (Northern Ireland) 2003(c) (circumstances in which persons are treated as being or not being severely disabled) for “the date on which the award is made” substitute “the date on which the award is first paid”.

Amendment of the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations

5.—(1) The Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003(d) shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1 (amendments to the Income Support Regulations) omit paragraph 21(d).

(3) In Schedule 2 (amendments to the Jobseeker’s Allowance Regulations) omit paragraph 21(a)(e).

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

6. In regulation 2(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(f) (interpretation) in the definition of “partner” at paragraph (a) for “of couple” substitute “of a couple”.

Amendment of the Housing Benefit Regulations

7.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(g) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 39(2)(d) (notional income) for “refers” substitute “applies which is administered in a way referred to in paragraph 45(1)(a)”.

(3) In regulation 46(2)(e) (notional capital) for “refers” substitute “applies which is administered in a way referred to in paragraph 45(1)(a)”.

(4) In Schedule 1 (ineligible service charges) in paragraph 1(a) for head (iii) substitute—

“(iii) leisure items such as either sports facilities (except a children’s play area), or television rental, licence and subscription fees (except radio relay charges and charges made in respect of the conveyance and installation and maintenance of equipment for the conveyance of a television broadcasting service);”.

(5) In Schedule 4 (applicable amounts) in paragraph 14(6) for “the date on which the award is made” substitute “the date on which the award is first paid”.

(a) Paragraph 32(1) was amended by paragraph 14(b)(i) of Schedule 3 to S.R. 2005 No. 458 and regulation 13(14)(e) of S.R. 2006 No. 359

(b) Paragraph 41 was substituted by regulation 13(15)(c) of S.R. 2006 No.359

(c) S.R. 2003 No. 28

(d) S.R. 2003 No. 195; relevant amending Regulations are S.R. 2003 No. 338

(e) Paragraph 21(a) was amended by regulation 6(5)(b) of S.R. 2003 No. 338

(f) S.R. 2005 No. 506

(g) S.R. 2006 No. 405

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

8.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(a) shall be amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1 (ineligible service charges) in paragraph 1(a) for head (iii) substitute—

“(iii) leisure items such as either sports facilities (except a children’s play area), or television rental, licence and subscription fees (except radio relay charges and charges made in respect of the conveyance and installation and maintenance of equipment for the conveyance of a television broadcasting service);”.

(3) In Schedule 4 (applicable amounts) in paragraph 6(8)(a) for “the date on which the award is made” substitute “the date on which the award is first paid”.

Revocations

9.—(1) The following provisions shall be revoked—

- (a) paragraph 21(d) of Schedule 1 and paragraph 21(a) of Schedule 2 to the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003; and
- (b) regulations 3(3)(b) and 5(5)(b) and (6)(b) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005(b).

Sealed with the Official Seal of the Department for Social Development on 9th March 2007

(L.S.)

John O'Neill
A senior officer of the Department for Social Development

The Department of Finance and Personnel consents to regulations 7 and 8.

Sealed with the Official Seal of the Department of Finance and Personnel on 9th March 2007

(L.S.)

Mary McIvor
A senior officer of the Department of Finance and Personnel

(a) S.R. 2006 No. 406
(b) S.R. 2005 No. 580

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend:

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

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

the State Pension Credit Regulations (Northern Ireland) 2003 (“the State Pension Credit Regulations”);

the Social Security (Working Tax Credit and Child Tax Credit Consequential Amendments) Regulations (Northern Ireland) 2003 (“the 2003 Regulations”);

the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (“the Social Fund Regulations”);

the Housing Benefit Regulations (Northern Ireland) 2006 (“the Housing Benefit Regulations”); and

the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (“the Housing Benefit (SPC) Regulations”).

Regulation 2 amends the Income Support Regulations to:

provide for the circumstances where a higher pensioner premium, disability premium, enhanced disability premium and disabled child premium is to cease to be applicable to a claimant where the claimant, a partner of a claimant or a child or young person is a long-term patient;

provide that “long-term patient” means a person who has been a patient for more than 52 weeks;

remove the special applicable amounts in Schedule 7 that apply where a claimant, or if a claimant is a member of a couple the other member of that couple, has been a long-term patient; and

make a minor amendment to remove a reference to an obsolete sub-paragraph in Schedule 2 to those Regulations.

Regulation 3 amends the Jobseeker’s Allowance Regulations to:

provide for the circumstances where a higher pension premium, disability premium, enhanced disability premium and disabled child premium is to cease to be applicable to a claimant or a joint-claim couple where a claimant, a partner of a claimant or a child or young person is a long-term patient;

provide that “long-term patient” means a person who has been a patient for more than 52 weeks; and

remove the special applicable amounts in Schedules 4 and 4A that apply where a claimant or a member of a joint-claim couple is a long-term patient.

Regulations 2 and 3 amend the Income Support Regulations and the Jobseeker’s Allowance Regulations to:

clarify that charitable and voluntary payments are wholly disregarded for the purposes of calculating income other than earnings;

specify that ordinary clothing and footwear does not include school uniforms or clothing or footwear used solely for sporting activities for the purposes of calculating amounts from access funds which are to be treated as capital;

insert correct cross-references in relation to the definition of a “person from abroad”; and
replace outdated references to invalid care allowance with “carer’s allowance”.

Regulations 2, 3 and 5 amend Schedule 7 to the Income Support Regulations, Schedule 4 to the Jobseeker's Allowance Regulations and the 2003 Regulations to remove the reduction in a claimant's applicable amount for income support and jobseeker's allowance that applies in certain circumstances where a child or young person has been a patient for more than 12 weeks.

Regulations 2 to 4, 7 and 8 amend the Income Support Regulations, the Jobseeker's Allowance Regulations, the State Pension Credit Regulations, the Housing Benefit Regulations and the Housing Benefit (SPC) Regulations so that an award of carer's allowance is only taken into account from the date on which it is first paid.

Regulations 2, 3 and 7 amend cross-references, in the Income Support Regulations, the Jobseeker's Allowance Regulations and the Housing Benefit Regulations, to provisions (which were amended by S.R. 2006 No. 359) relating to the treatment of capital which is derived from an award of damages for a personal injury for the purposes of determining notional income or capital.

Regulation 6 makes a minor amendment to a definition in the Social Fund Regulations.

Regulations 7 and 8 amend the Housing Benefit Regulations and the Housing Benefit (SPC) Regulations to remove references to satellite television and to provide that television subscription charges are ineligible service charges for housing benefit purposes in Schedule 1 of those Regulations.

Regulation 9 makes consequential revocations.

In so far as these Regulations are required, for the purposes of regulations 7 and 8, 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.

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