
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 92

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2009**

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987 are amended in accordance with paragraphs (2) to (12).

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

(a) after the definition of “attendance allowance” insert—

““basic rate”, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007(1) (see section 989 of that Act);”; and

(b) omit the definition of “starting rate”(2).

(3) In regulation 4ZA(3) (prescribed categories of person) in paragraph (3)(b) after “12” insert “, 15A,”.

(4) Omit regulation 21(1A)(4) (special cases).

(5) For regulation 30(2A)(5) (calculation of earnings of self-employed earners) substitute—

“(2A) This paragraph applies to—

(a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or

(b) any payment in respect of any—

(i) book registered under the Public Lending Right Scheme 1982(6), or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982,

where the claimant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book or work concerned.”.

(6) In regulation 39(1)(7) (deduction of tax and contributions for self-employed earners) and in regulation 42(8)(a)(8) (notional income)—

(a) omit “the starting rate or, as the case may be, the starting rate and”; and

(b) for “starting rate” substitute “basic rate”.

(1) 2007 c. 3

(2) The definition of “starting rate” was inserted by regulation 4(2)(c) of S.R. 2007 No. 396

(3) Regulation 4ZA was inserted by regulation 4 of S.R. 1996 No. 199

(4) Paragraph (1A) was inserted by regulation 3 of S.R. 1991 No. 170

(5) Paragraph (2A) was inserted by regulation 2(6)(b) of S.R. 2008 No. 112

(6) The Scheme is set out in the appendix to S.I. 1982/719

(7) Paragraph (1) was amended by regulation 4(7) of S.R. 1992 No. 403, regulation 2(8) of S.R. 1994 No. 327, regulation 3(4) of S.R. 2007 No. 306 and regulation 4(7) of S.R. 2007 No. 396

(8) Paragraph (8)(a) was amended by regulation 4(8)(a) of S.R. 1992 No. 403, regulation 2(8) of S.R. 1994 No. 327, regulation 3(6) of S.R. 2007 No. 306 and regulation 4(9)(c) of S.R. 2007 No. 396

- (7) In regulation 39D(9) deduction in respect of tax for participants in the self-employment route)
- (a) in paragraph (1)(c) omit “the starting rate of tax or, as the case may be, the starting rate and”; and
- (b) in paragraph (2) for “starting rate” substitute “basic rate”.
- (8) In regulation 61(1)(10) (interpretation)—
- (a) for the definition of “contribution”(11) substitute—
- ““contribution” means—
- (a) any contribution in respect of the income of a student or any person which the Department, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student’s grant or student loan; or
- (b) any sums, which in determining the amount of a student’s allowance or bursary in Scotland under the Education (Scotland) Act 1980(12), the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority considers that it is reasonable for the following persons to contribute towards the holder’s expenses—
- (i) the holder of the allowance or bursary;
- (ii) the holder’s parents;
- (iii) the holder’s parent’s spouse, civil partner or a person ordinarily living with the holder’s parent as if he were the spouse or civil partner of that parent, or
- (iv) the holder’s spouse or civil partner;”;
- (b) in the definition of “grant income”(13) in paragraph (c) for “or 12 of Schedule 1B (lone parent or disabled student) applies” substitute “, 12 or 15A of Schedule 1B applies (lone parent, disabled student or persons in education)”.
- (9) In regulation 62(2) (calculation of grant income), after sub-paragraph (j)(14) add—
- “(k) of higher education bursary for care leavers made under Part III of the Children Act 1989(15).”.
- (10) In regulation 66A(4)(a)(ii) (treatment of student loans) for “or 12 of Schedule 1B applies (lone parent or disabled student)” substitute “, 12 or 15A of Schedule 1B applies (lone parent, disabled student or persons in education)”.
- (11) In Schedule 1B(16) (prescribed categories of person)—
- (a) in paragraph 3(a) before “ill” insert “temporarily”; and
- (b) after paragraph 15(17) (persons in education) insert—

(9) Regulation 39D was inserted by regulation 3(3) of S.R. 1998 No. 182 and amended by regulation 14(3)(c) of S.R. 2001 No. 151; paragraph 1(c) was amended by regulation 4(8) of S.R. 2007 No. 396 and paragraph (2) was amended by regulation 3(5)(b) of S.R. 2007 No. 306 and regulation 4(8) of S.R. 2007 No. 396

(10) Regulation 61 was renumbered as regulation 61(1) by regulation 3(3) of S.R. 2000 No. 241

(11) The definition of “contribution” was substituted by regulation 5(8)(a) of S.R. 1996 No. 405 and amended by regulation 3(1) and (2)(d) of S.R. 1998 No. 81, regulation 3(2)(a) of S.R. 1999 No. 317, regulation 2(1)(c) of S.R. 2001 No. 278, paragraph 12(5) of Schedule 3 to S.R. 2005 No. 536 and regulation 2(6)(a) of S.R. 2008 No. 428

(12) 1980 c. 44

(13) The definition of “grant income” was amended by regulation 5(5) of S.R. 1997 No. 412

(14) Sub-paragraph (j) was added by regulation 3(2)(b) of S.R. 2004 No. 300

(15) 1989 c.41; Provision relating to higher education bursaries for care leavers was inserted into the Children Act 1989 by the Children and Young Persons Act 2008 (c. 23)

(16) Schedule 1B was inserted by regulation 22 of and Schedule 1 to S.R. 1996 No. 199

(17) Paragraph 15 was amended by regulation 2(7)(a) of S.R. 2006 No. 128

“Circumstances in which a person in education will be treated as not being a member of a household

15A.—(1) A person is subject to this regulation if they fulfil the conditions in sub-paragraphs (2) to (5).

(2) The first condition is that he is under the age of 21.

(3) The second condition is that he is undertaking a course of full-time, non-advanced education.

(4) The third condition is that he was accepted to attend, enrolled on, or began the course before attaining the age of 19.

(5) The fourth condition is that—

(a) he has no parent;

(b) of necessity he has to live away from his parents because—

(i) he is estranged from them;

(ii) he is in physical or moral danger, or

(iii) there is a serious risk to his physical or mental health; or

(c) he is living away from his parents where they are unable financially to support him and are—

(i) chronically sick or mentally or physically disabled;

(ii) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or

(iii) prohibited from entering or re-entering Northern Ireland.

(6) In this paragraph—

“chronically sick or mentally or physically disabled” has the meaning given in regulation 13(3)(b);

“course of full-time, non-advanced education” means education of a kind referred to in regulation 3(2)(a) or (b) of the Child Benefit (General) Regulations 2006⁽¹⁸⁾;

“parent” includes a person acting in place of a parent which—

(a) for the purposes of sub-paragraph (5)(a) and (b) has the meaning given in regulation 13(3)(a)(i), and

(b) for the purposes of sub-paragraph (5)(c), has the meaning given in regulation 13(3)(a)(ii).”.

(12) In Schedule 10 (capital to be disregarded) after paragraph 39⁽¹⁹⁾ insert—

“39A. Any payment made under Part 8A of the Contributions and Benefits Act⁽²⁰⁾ (entitlement to health in pregnancy grant).”.

⁽¹⁸⁾ S.I. 2006/223, as amended by regulations 2 and (4)(a) of S.I. 2007/2150.

⁽¹⁹⁾ Paragraph 39 was substituted by regulation 2(7)(d) of S.R. 2008 No. 498

⁽²⁰⁾ See section 136A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by section 134 of the Health and Social Care Act 2008 (c. 14)