

DMG Memo Vol 1/100, 5/93, 6/80, 9/23 & 14/51

MISCELLANEOUS AMENDMENTS APRIL 2013

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INTRODUCTION

1. This memo provides guidance on the Social Security (Miscellaneous Amendments) Regulations (NI) 2013 (SR 2013 No 67). These changes take effect on 2.4.13¹.

¹ SS (Misc Amdts) Regs (NI) 2013, reg 1(1)

HOUSING COSTS

2. DMG 23770 (for Income Support and income-based Jobseeker's Allowance), DMG 44606 (for income-related Employment and Support Allowance) and DMG 78521 (for State Pension Credit) give guidance on the situations where a non-dependant deduction is not appropriate. From 2.4.13 a non-dependant deduction will not be appropriate where a claimant is under 25 and in receipt of an award of income-related Employment and Support Allowance which does not include a component¹.

¹ IS (Gen) Regs (NI), Sch 3, para 18(7)(i); JSA Regs (NI), Sch 2, para 17(7)(i); SPC Regs (NI), Sch 2, para 14(7)(g)

LIABLE RELATIVE PAYMENTS

3. DMG 28777 **4.** for Income Support and income-based Jobseeker's Allowance and DMG 51672 **4.** for income-related Employment and Support Allowance provide guidance on the treatment of liable relative payments made to, or for third parties, in respect of rent.
4. With regards to payments made to, or for a third party, in respect of rent then it is only rent for which housing benefit is payable which should be treated as being a liable relative payment¹.

1 IS (Gen) Regs (NI), reg 54(e)(ii); JSA Regs (NI), reg 117(e)(ii); ESA Regs (NI), reg 119(d)(ii)

MEANING OF PERSON IN HARDSHIP – CALCULATION OF INCOME AND CAPITAL WHERE CHILD TAX CREDIT AND CHILD BENEFIT IN PAYMENT

5. DMG 35352 gives guidance that when deciding whether someone is in hardship the total resources available to the family is compared with the amount of hardship payment that would be payable. This means because the Jobseeker's Allowance hardship rate calculation is based on the applicable amounts paid to adult members of the household other benefits paid for dependents such as child benefit and child tax credits are included in the calculation of total resources available.
6. The unintended effect is that claimants with children may be excluded from hardship payments where the amount of Jobseeker's Allowance payable for a claimant or a claimant and partner is lower than that of the total weekly amount of benefit paid for children.
7. From 2.4.13 Child Tax Credit and Child Benefit will be disregarded in the calculation of income for hardship purposes¹.

1 JSA Regs (NI), reg 140(5)(b)

SUPERSESSION – CHANGES IN INCOME AND EFFECT ON STATE PENSION CREDIT

8. When the claimant or their partner
 1. has a change in income **or**
 2. becomes entitled to Disability Living Allowance (middle or higher rate care component) **or**
 3. becomes entitled to Attendance Allowance **or**
 4. receives again any of the allowance or payments at paragraph 8.2 – 8.3 immediately after the end of the period described in paragraph 9

the superseding decision takes effect on the first day of the benefit week in which that change occurs or if that is not practicable in the circumstances of the case, on the first day of the next following benefit week¹.

1 SS & CS (D&A) Regs (NI), Sch 2B, para 2

9. The period referred to in paragraph 8.4 is a period¹ when the claimant or their partner is maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or similar institution
1. defined under prescribed legislation² **or**
 2. maintained or administered by the Defence Council.

1 SS & CS (D&A) Regs (NI), Sch 2B, para 2A; 2 H&PSS (NI) Order 1972; H&PSS (NI) Order 1991

ANNOTATIONS

Please annotate the number of this memo (DMG Memo Vol 1/100, 5/93, 6/80, 9/23 & 14/51) against DMG paragraphs: 4647, 23770, 28350 (Heading), 28777, 29360 (Heading), 35175, 35178, 35179, 35351, 35352, 35353, 44606, 51210 (Heading), 51672, 52362 (Heading) 78521, 84367 (Heading).

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