

**JOBSEEKER'S ALLOWANCE / INCOME SUPPORT / STATE
PENSION CREDIT / EMPLOYMENT AND SUPPORT
ALLOWANCE / SOCIAL FUND - PAYMENT FROM EMERGENCY
FUNDS**

Contents	Paragraphs
Introduction	1
Background	2 – 3
Definitions	4 – 5
Effect on income	6 – 7
Effect on capital	8 – 9
Social Fund payments	10
Annotations	
Contacts	

INTRODUCTION

- 1 This memo gives guidance about changes to Jobseeker's Allowance, Income Support, State Pension Credit, Employment and Support Allowance and Social Fund law introduced by The Social Security (Emergency Funds) (Amendment) Regulations (Northern Ireland) 2017 [S.R. 2017 No. 205] ("SS(EF) (Amdt) Regs (NI)"). The changes come into operation from 27.09.17¹.

¹ SS (EF) (Amdt) Regs (NI), reg 1

BACKGROUND

- 2 This memo explains how to treat payments made by the London Emergencies Trust and the We Love Manchester Emergency Fund to alleviate hardship for those who have lost a loved one or have been injured as a result of the terror attacks in London on 22.3.17 and 3.6.17 and in Manchester on 22.5.17. From 27.09.17 legislation is amended, as explained below, to disregard all payments

made by the London Emergencies Trust and the We Love Manchester Emergency Fund.

- 3 People who were bereaved, or who suffered injury, may receive lump sum payments from the London Emergencies Trust or the We Love Manchester Emergency Fund. It is understood these may range from £3,500 to £20,000 however this may change. Further lump sum payments or even regular payments may also be made to the same beneficiaries.

DEFINITIONS

The London Emergencies Trust and the We Love Manchester Emergency Fund

- 4 The meaning of the London Emergencies Trust and We Love Manchester Emergency Fund¹ is as defined in Jobseeker's Allowance, Income Support, State Pension Credit and Employment and Support Allowance law.

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 2(1); SPC Regs (NI), reg 1(2); ESA Regs (NI), reg2(1)

Qualifying person

- 5 The definition of qualifying person in Jobseeker's Allowance, Income Support, Start Pension Credit and Employment and Support Allowance law is amended¹ to include a person in respect of whom a payment has been made from the London Emergencies Trust and We Love Manchester Emergency Fund

1 JSA Regs (NI), reg 1(2); IS (Gen) Regs (NI), reg 2(1); SPC Regs (NI), reg 1(2); ESA Regs (NI), reg 2(1)

EFFECT ON INCOME

- 6 Fully disregard¹
 1. any income from the London Emergencies Trust and the We Love Manchester Emergency Fund in Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance **and**
 2. any income from capital that was received from the London Emergencies Trust and the We Love Manchester Emergency Fund in Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance and State Pension Credit.

1 IS (Gen) Regs (NI), Sch 9, para 39(1) & 39 (7), JSA Regs (NI), Sch 6, para 41(1) & 41(7), ESA Regs (NI), Sch 8, para 41(1) & 41(7), SPC Regs (NI), Sch 5, para 15(1) & (7)

Note: London Emergencies Trust and We Love Manchester Emergency Fund is not a prescribed income for State Pension Credit.

7 Payments from the London Emergencies Trust and the We Love Manchester Emergency Fund are also disregarded for the following purposes:

1. income in kind¹
2. payments to a third party in respect of a claimant or their partner²
3. non-dependants gross weekly income for the purposes of calculating deductions for allowable housing costs³

See DMG Chapters 28, 51 and 85 for more details.

1 IS (Gen) Regs (NI), Sch 9, para 21(2), JSA Regs (NI), Sch 6, para 22(2), ESA Regs (NI), Sch 8, para 21(2); 2 IS (Gen) Regs (NI), reg 42(4ZA)(a), JSA Regs (NI), reg 105(10A)(a), ESA Regs (NI), reg 107(5)(a); 3 IS (Gen) Regs (NI), Sch 3, para 18(8)(b), JSA Regs (NI), Sch 2, para 17(8)(b), ESA Regs (NI), Sch 6, para 19(8)(b), SPC Regs (NI), Sch 2, para 14(8)(b)

EFFECT ON CAPITAL

8 For Income Support, Jobseeker's Allowance, Employment and Support Allowance and State Pension Credit any payment of capital made from the London Emergencies Trust and the We Love Manchester Emergency Fund is disregarded indefinitely¹.

1 JSA Regs (NI), Sch 7, para 27(1); IS (Gen) Regs (NI), Sch 10, para 22(1) & 22(7); ESA Regs (NI), Sch 9, para 27(1) & 27(7); SPC Regs (NI), Sch 5, para 15(1) & 15(7)

Notional capital

9 For Income Support, Jobseeker's Allowance & Employment and Support Allowance, capital paid

1. to a third party for the claimant or their partner **or**
2. to the claimant or their partner for a third party

is **not** to be treated as notional capital where the payment is made under the London Emergencies Trust and the We Love Manchester Emergency Fund¹.

See DMG Chapters 29, 52 and 84 for more details.

1 IS (Gen) Regs (NI), reg 51(3A)(a); JSA Regs (NI), reg 113(3A)(a); ESA Regs (NI), reg 115(5)(a)

SOCIAL FUND PAYMENTS

10 DMG 39445 et seq gives guidance on payments from specified trusts that are disregarded when deciding what deductions should be made from the allowable expenses. From 27.09.17 the London Emergencies Trust and We Love Manchester Emergency Fund should be added¹ to the list at DMG 39445.

1 SFMFE Regs (NI) 2005, reg 10(2)

ANNOTATIONS

Please annotate the number of this memo (DMG Memo 4/141, 5/108, 7/48, 8/89, 9/40 & 14/65) against DMG paragraphs:

23775, 28350, 28419, 28450, 28468, 28471, 28477, 28479, 28515, 28670, 28681, 29418, 29861, 29862, 39445, 44611, 51210, 51299, 51341, 51360, 51363, 51384, 51418, 51598, 51606, 52418, 52861, 52862, 84475, 85370

CONTACTS

If you have any queries about this memo, please contact

Decision Making Services
Section 1
Level 5
Lighthouse Building
1 Cromac Place
Belfast, BT7 2JB

Ext: 38537 & 38538

DECISION MAKING SERVICES

Distribution:
All Holders of
DMG Volumes 4, 5,
7, 8, 9 & 14

October 2017