
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide for various matters which affect entitlement to disability working allowance. Regulations 3 and 4 and Schedule 1 concern the disabilities which place the claimant at a disadvantage in getting a job and the declaration of such disability by the claimant. Regulations 5 and 6 prescribe the circumstances in which a person is treated as being in Northern Ireland and provide for 16 hours work a week as a minimum requirement. Regulation 7 sets out the qualifying benefits for entitlement to disability working allowance. Regulations 8 to 11 make provision in respect of children and young persons who are normally living with the claimant as members of the household and the circumstances in which a person is to be treated as no longer being a member of the household.

Regulations 12 to 50 and Schedules 2, 3 and 4 are concerned with the calculation of income and capital; regulation 31 sets the capital limit at £16,000 and regulation 40 provides for tariff income on capital over £3,000 at the rate of £1 a week for every £250 excess capital.

Regulations 51 to 53 concern the computation of entitlement. Regulation 51 and Schedule 5 prescribe the maximum disability working allowance; for a single claimant £42.40, for a married or unmarried couple or lone parent £58.80 and for each child or young person £10.40 (under 11), £17.25 (under 16), £21.45 (under 18), or £29.90 (under 19). Regulation 52 sets the applicable amount for disability working allowance and regulation 53 fixes the percentage of income deductible from the maximum disability working allowance at 70 per cent.

Regulations 54 to 57 provide for various situations, including the death of the claimant and receipt of family credit, which may affect an award of disability working allowance.

Regulation 58 amends the Family Credit (General) Regulations (Northern Ireland) 1987 to make provision concerning entitlement to family credit and disability working allowance.

These regulations make in relation to Northern Ireland only provision corresponding to provision contained in regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.