
STATUTORY RULES OF NORTHERN IRELAND

1999 No. 199

SOCIAL SECURITY

**The Social Security (Incapacity, Earnings and Work Trials)
(Pilot Schemes) Regulations (Northern Ireland) 1999**

Made - - - - *26th April 1999*

Coming into operation *14th June 1999*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 167A, 167B, 167C, 167D, 167E and 171(2) to (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and Article 73 of the Social Security (Northern Ireland) Order 1998(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Incapacity, Earnings and Work Trials) (Pilot Schemes) Regulations (Northern Ireland) 1999 and shall come into operation on 14th June 1999.

(2) These Regulations, except for the purposes of regulation 7 (transitional provision), shall cease to have effect on 7th April 2000, unless revoked with effect from an earlier date.

(3) In these Regulations—

“the General Regulations” means the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(3);

“pilot scheme area” means the locality specified in column (1) of the Schedule and, in relation to that locality, the postcode districts specified opposite thereto in column (2) of the Schedule;

“pilot scheme period” means any day within the period beginning on and including 14th June 1999 and ending on 7th April 2000;

“prescribed benefit” means any benefit, allowance or advantage under the Contributions and Benefits Act (other than statutory sick pay) mentioned in Article 73(8) of the Social Security (Northern Ireland) Order 1998 and for which entitlement is dependent on incapacity for work.

(1) 1992 c. 7; sections 167A to 167C were inserted by Article 7 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N.I. 12)) and sections 167D and 167E were inserted by Article 8(1) of that Order
(2) S.I. 1998/1506 (N.I. 10)
(3) S.R. 1995 No. 41; relevant amending regulations are S.R. 1995 No. 149 and S.R. 1996 No. 601

(4) The Interpretation Act (Northern Ireland) 1954(4) shall apply to these Regulations as it applies to a Measure of the Assembly.

Application

2. These Regulations shall apply to any person who—
- (a) subject to regulation 6, is residing in a pilot scheme area during any period within the pilot scheme period; and
 - (b) is—
 - (i) on 14th June 1999, receiving a prescribed benefit; or
 - (ii) on or after 14th June 1999, entitled to, and claims, a prescribed benefit for any day within the pilot scheme period.

Modification of the General Regulations

3. In so far as they apply to a person to whom these Regulations apply, the General Regulations shall be modified to the extent prescribed in the following provisions of these Regulations.

Earnings

4.—(1) Where a person does any work on any day in a week for which he would otherwise be treated as capable of work under regulation 16 of the General Regulations(5), he shall, if his earnings in that week do not exceed £15, be treated as incapable of work for that week.

(2) For the purposes of calculating the amount of a person's earnings under this regulation, the provisions of the Social Security Benefit (Computation of Earnings) Regulations (Northern Ireland) 1996(6) shall be treated as if they applied to this regulation.

Work trials

5.—(1) A person to whom this regulation applies shall be treated as incapable of work on any day, in whole or in part, on which he does any approved work in a period of incapacity for work consisting of days, or part days, as the case may be, aggregated to not more than 15 days.

- (2) This regulation applies to any person—
- (a) who has been incapable of work or treated as incapable of work for a period of incapacity for work of more than 196 days;
 - (b) who is receiving a prescribed benefit; and
 - (c) who is engaged in approved work on a trial basis.

(3) In this regulation—

“approved work” means, in relation to any person, work arranged in writing by the Department of Economic Development with an employer in respect of that person;

“period of incapacity for work” means—

- (a) a period of 4 or more consecutive days each of which is a day on which a person is incapable of work, and any two such periods separated by a period of not more than 8 weeks are to be treated as one period of incapacity for work; or

(4) 1954 c. 33 (N.I.)

(5) Regulation 16 was amended by regulation 4(4) of S.R. 1995 No. 149 and regulation 4(4) of S.R. 1996 No. 601

(6) S.R. 1996 No. 520, amended by regulation 9 of S.R. 1998 No. 2

(b) such larger number of weeks as is prescribed under section 30C(4)(b) of the Contributions and Benefits Act;

“trial basis” means such trial period and other related matters as may be agreed between the person, the Department of Economic Development and an employer in relation to the approved work.

Residence

6.—(1) This regulation applies to a person who moves his residence from a pilot scheme area to a residence which is not within a pilot scheme area in the course of the pilot scheme period.

(2) A person to whom paragraph (1) applies shall be treated as still residing in a pilot scheme area if—

- (a) immediately before his departure from the pilot scheme area, he was doing work in circumstances in which regulation 4 or 5 applied; and
- (b) immediately after his departure from the pilot scheme area, he continues to do the work for which he was treated as incapable of work in circumstances in which regulation 4 or 5 applied.

Transitional provision

7. On the expiry of these Regulations, the General Regulations shall apply to any person to whom these Regulations applied with modifications to those Regulations made by these Regulations for—

- (a) in relation to a person to whom regulation 4 applies, a period up to 6th October 2000; or
- (b) in relation to a person to whom regulation 5 applies, the remaining period in respect of which he is doing approved work,

but only in respect of the work which he is engaged in doing on 7th April 2000 or the work approved in relation to him before 7th April 2000, as the case may be.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland
on

L.S.

26th April 1999.

John O'Neill
Assistant Secretary

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 1(3)

Column (1) <i>Locality</i>	Column (2) <i>Postcode district</i>
Antrim	BT29, BT39, BT41
Ballymoney	BT53, BT54
Bangor	BT18, BT19, BT20, BT21
Belfast	BT7, BT8, BT14, BT16, BT17
Downpatrick	BT30
Dungannon	BT69, BT70, BT71, BT76, BT77
Lisburn	BT27, BT28
Londonderry	BT47, BT48
Newry	BT34, BT35
Newtownabbey	BT36, BT37
Omagh	BT78, BT79
Strabane	BT81, BT82

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for two pilot schemes which modify the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 so that claimants of benefits which are dependent on incapacity for work and who live in the pilot scheme areas—

- (a) may earn up to £15 a week without losing their benefit (regulation 4);
- (b) may undertake work trials for any period of up to 15 days without losing their benefit (regulation 5).

The Regulations make provision for certain claimants who move out of a pilot scheme area to continue to benefit from the pilot scheme (regulation 6).

The Regulations also make transitional provision so that at the end of the pilot scheme period claimants who have participated in the scheme may continue to benefit for a period of up to 6 months or until the work trial ends (regulation 7).

These Regulations correspond 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 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

Document Generated: 2022-08-26

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*