
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979,

the Social Security (General Benefit) Regulations (Northern Ireland) 1984,

the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984,

the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”),

the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”),

the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992,

the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992,

the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994,

the Social Security (Incapacity Benefit – Increases for Dependants) Regulations (Northern Ireland) 1994,

the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995,

the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995

the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”), and

the State Pension Credit Regulations (Northern Ireland) 2003 (“the State Pension Credit Regulations”).

Regulations 2, 9, 11, and 12 make amendments to increase the linking term which applies to relevant welfare to work beneficiaries to 104 weeks.

Regulation 3 amends the Social Security (General Benefit) Regulations 1982 to increase the prescribed amount of earnings that does not disqualify for unemployment supplement in a year, to £4,472.

Regulations 4, 7, 8 and 9 omit a specific test for presence in Northern Ireland for certain severe disablement allowance, attendance allowance, disability living allowance and incapacity benefit claimants who receive income on which they do not have to pay tax in the United Kingdom (tax-free emoluments).

Regulations 5 and 13 include amendments to the Income Support Regulations and the Jobseeker’s Allowance Regulations—

to include the new definitions relating to disabled children in the Tax Credits Act [2002 \(c.21\)](#);

to provide that certain charitable and voluntary payments of income are disregarded in full;

to provide that a lay magistrate who is required to attend court or a tribunal can be entitled to income support or jobseeker’s allowance and makes minor changes to refine the definition of tribunal.

Regulation 5 includes an amendment to the Income Support Regulations to change the provisions on transitional protection for housing costs. In determining whether that protection is to be reduced,

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

housing costs for any benefit week are compared to what they were in the immediately preceding benefit week.

Regulations 5, 6 and 13 include amendments to the Income Support Regulations, the Housing Benefit Regulations and the Jobseekers Allowance Regulations—

- to create a disregard for any payment made in consequence of any personal injury to the claimant or their partner for a period of up to 52 weeks from the day of receipt of the first payment;

- to enable awards of certain damages to be disregarded where these awards are not administered by the court but are held subject to the order or direction of the court. In addition, these Regulations provide that income derived from such capital is no longer to be treated as capital;

- to take account of changes to the linking term for welfare to work beneficiaries in regulation 12 of these Regulations.

Regulation 6 includes an amendment to the Housing Benefit Regulations to clarify existing housing benefit provisions on when a change of circumstances takes effect and makes a minor amendment in relation to excluded tenancies.

Regulation 10 amends the Social Security (Incapacity Benefit - Increases for Dependants) Regulations (Northern Ireland) 1994 to provide for entitlement to an increase in incapacity benefit where the claimant lives with an adult who is entitled to child benefit in respect of a child or young person who is living with them.

Regulation 12 amends the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995. Paragraph (2) replaces regulation 11 of those Regulations as the previous provision made reference to procedures which are no longer in use. Paragraph (3) amends regulation 13A of those Regulations to—

- increase from one week to one month after entitlement ceased, the period within which a person must become engaged in remunerative work after cessation of benefit in order to be a welfare to work beneficiary and to remove the requirement to give notice;

- to extend the linking term (by which periods of incapacity for work can be linked together to form one period) which applies to welfare to work beneficiaries to 104 weeks and amends the definition of “immediate past period of incapacity for work” so that this refers to the most recent period of incapacity for work.

Regulation 14 amends the State Pension Credit Regulations—

- to clarify the treatment of certain types of notional income;

- to enable awards of certain damages to be disregarded where these awards are not administered by the court but are held subject to the order or direction of the court;

- in relation to non-dependant deduction provisions.

Regulation 15 makes consequential revocations.

In so far as these Regulations are required, for the purposes of regulation 6, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 and paragraph 7 of Schedule 5A to, that Act, are not subject to the requirement of section 149(2) or, as the case may be, (2A) of that section for prior reference to the Social Security Advisory Committee or the Industrial Injuries Advisory Council.