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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 375**

**SOCIAL SECURITY**

**The Social Security (Incapacity) (Miscellaneous Amendments) Regulations (Northern Ireland) 2008**

*Made - - - - 9th September 2008*

*Coming into operation 1st October 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 30C(3), 30DD(4), 30E(1), 167D and 171(1) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and now vested in it(2).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Incapacity) (Miscellaneous Amendments) Regulations (Northern Ireland) 2008 and shall come into operation on 1st October 2008.

**Commencement Information**

**I1** Reg. 1 in operation at 1.10.2008, see [reg. 1](#)

**Amendment of the Social Security (General Benefit) Regulations**

2. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(3) (earnings level for the purpose of unemployability supplement) for “£4,602·00” substitute “£4,784·00”.

**Commencement Information**

**I2** Reg. 2 in operation at 1.10.2008, see [reg. 1](#)

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(1) 1992 c. 7; sections 30C, 30E and 167D were inserted by Articles 5(1) and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(2) See Article 8(b) of S.R. 1999 No. 481

(3) S.R. 1984 No. 92; regulation 14 was amended by regulation 3 of S.R. 2007 No. 396

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Social Security (Incapacity) (Miscellaneous Amendments) Regulations (Northern Ireland) 2008*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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### Amendment of the Social Security (Incapacity Benefit) Regulations

3.—(1) The Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(4) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 7 (limit of earnings from councillor’s allowance) for “£88·50” substitute “£92·00”.

(3) In regulation 20 (disregard of certain pension payments or PPF periodic payments)—

(a) omit “or” after paragraph (b); and

(b) after paragraph (c) add—

“(d) any payment made under Article 14(1)(b) or 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005; or

(e) any pension payment made under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003.”.

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#### Commencement Information

**I3** Reg. 3 in operation at 1.10.2008, see [reg. 1](#)

### Amendment of the Social Security (Incapacity for Work) (General) Regulations

4. In regulation 17 (exempt work) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(5)—

(a) in paragraphs (3) and (4) for “£88·50” substitute “£92·00”; and

(b) in paragraph (7) for “Duties undertaken on not more than one day a week” substitute “Duties undertaken on either one full day or two half days a week”.

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#### Commencement Information

**I4** Reg. 4 in operation at 1.10.2008, see [reg. 1](#)

### Revocations

5. Regulations 3, 5(3) and 6 of the Social Security (Miscellaneous Amendments No. 5) Regulations (Northern Ireland) 2007(6) are revoked.

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#### Commencement Information

**I5** Reg. 5 in operation at 1.10.2008, see [reg. 1](#)

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(4) [S.R. 1994 No. 461](#); regulation 7 was amended by regulation 5(3) of [S.R. 2007 No. 396](#) and regulation 20 was inserted by regulation 2(5) of [S.R. 2000 No. 404](#) and amended by regulation 3(2) of [S.R. 2006 No. 184](#)

(5) [S.R. 1995 No. 41](#); regulation 17 was substituted by regulation 2(4) of [S.R. 2006 No. 150](#) and amended by regulation 6 of [S.R. 2007 No. 396](#)

(6) [S.R. 2007 No. 396](#)

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Sealed with the Official Seal of the Department for Social Development on 9th September 2008

(L.S.)

*J O'Neill*  
A senior officer of the Department for Social  
Development

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (General Benefit) Regulations (Northern Ireland) 1984 (“the General Benefit Regulations”), the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 (“the Incapacity Benefit Regulations”) and the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (“the Incapacity for Work Regulations”).

Regulation 2 amends regulation 14 of the General Benefit Regulations to increase the prescribed amount of earnings in a year, for the purpose of paragraph 2(3) of Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (earnings level for unemployability supplement), from £4,602·00 to £4,784·00.

Regulation 3 amends regulation 7 of the Incapacity Benefit Regulations to increase the prescribed amount for the purposes of section 30E(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (limit of earnings from councillor’s allowance) from £88·50 to £92·00. It also amends regulation 20 so that payments under Article 14(1)(b) or 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 and pension payments under section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 are disregarded when calculating the amount of incapacity benefit due.

Regulation 4 amends regulation 17 of the Incapacity for Work Regulations to increase the exempt work earnings limits in paragraphs (3) and (4) from £88·50 to £92·00 and so that members of the Disability Living Allowance Advisory Board and members of an appeal tribunal who have a disability qualification are able to work for one day or two half days a week while receiving benefits because of incapacity for work.

Regulation 5 makes consequential revocations.

These Regulations 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, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of subsection (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.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- reg. 2 revoked by [S.R. 2009/318 reg. 6](#)
- reg. 3(2) revoked by [S.R. 2009/318 reg. 6](#)
- reg. 4(a) revoked by [S.R. 2009/318 reg. 6](#)