

**EXPLANATORY MEMORANDUM TO
THE HOUSING BENEFIT (WAR PENSION DISREGARDS AMENDMENT)
REGULATIONS (NORTHERN IRELAND) 2010**

S.R 2010 No. 8

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 132(4)(b) and 171(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Regulations is to make amendments to the Housing Benefit Regulations (Northern Ireland) 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 in relation to the treatment of income from war pensions. Those Regulations are being amended to reinstate the disregard of income from service attributable pensions (paid for injury or illness that is attributable to service) for housing benefit purposes .

3. Background

- 3.1. In Northern Ireland, a war disablement pension, war widow's pension and war widower's pension (which includes surviving civil partners) is disregarded in full when assessing entitlement to housing benefit. Service attributable pensions were removed in error when changes were made to simplify and update the war pensions definitions in January 2009. The amendments reinstate the disregard.

4. Consultation

- 4.1. The Local Authority Associations in Great Britain agreed to the making of the equivalent Great Britain Regulations urgently without the need for formal consultation. The Social Security Advisory Committee agreed that it did not require the proposed Great Britain Regulations to be formally referred to it and also that the proposed Northern Ireland Regulations did not need to be formally referred.

5. Equality Impact

- 5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise of the proposals. It concluded that the proposals do not have significant implications for equality of opportunity and therefore considered that an equality impact assessment was not necessary.

6. Regulatory Impact

- 6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose any additional costs or savings on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Rules: are not incompatible with the Convention rights; are not incompatible with Community law; do not discriminate against a person or class of person on the ground of religious belief or political opinion; and do not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. The Regulations are in keeping with the principle of parity between Northern Ireland and Great Britain in social security matters

11. Additional Information

- 11.1. Not applicable