

2016 No. 238

SOCIAL SECURITY

The Industrial Injuries Benefit (Employment Training Schemes and Courses) Regulations (Northern Ireland) 2016

Made - - - - - *6th June 2016*

Laid before Parliament *13th June 2016*

Coming into operation in accordance with regulation 1(1) and (2)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 95A, 121(1) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and Article 72(3) of the Welfare Reform (Northern Ireland) Order 2015(b).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Industrial Injuries Benefit (Employment Training Schemes and Courses) Regulations (Northern Ireland) 2016 and, subject to paragraph (2), come into operation on 31st October 2016.

(2) Regulation 2(c)(ii) comes into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(c).

(3) In these Regulations—

“the 2007 Act” means the Welfare Reform Act (Northern Ireland) 2007(d);

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992”;

“the Industrial Training Order” means the Industrial Training (Northern Ireland) Order 1984(e); and

“the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995(f).

(a) 1992 c. 7; section 95A is inserted by Article 72(1) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)), section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 121(1) is cited for the meaning of “prescribe”

(b) S.I. 2015/2006 (N.I. 1)

(c) S.R. 2016 No. 216

(d) 2007 c. 2 (N.I.)

(e) S.I. 1984/1159 (N.I. 9)

(f) S.I. 1995/2705 (N.I. 15)

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

Employment training scheme and employment training course

2. The following descriptions of employment training scheme and employment training course are prescribed for the purposes of section 95A(1) of the Contributions and Benefits Act (employment training schemes etc)—

- (a) an employment training scheme or employment training course provided pursuant to arrangements under section 1 of the Employment and Training Act (Northern Ireland) 1950(b) (general functions as to employment and training for employment);
- (b) an employment training scheme or employment training course which constitutes, or participation in which forms part of, a scheme of a description prescribed under Article 19A of the Jobseekers Order(c) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.);
- (c) an employment training scheme or employment training course in which a person participates pursuant to—
 - (i) a requirement to undertake work-related activity imposed under regulations under section 13 of the 2007 Act(d); or
 - (ii) a work preparation requirement within the meaning of Article 8C of the Jobseekers Order(e), section 11C of the 2007 Act(f) or Article 21 of the 2015 Order.

Employer

3. The persons prescribed for the purpose of section 95A(2) of the Contributions and Benefits Act are any persons providing an employment training scheme or employment training course of a description prescribed under regulation 2.

Payment of industrial injuries benefit where payments were previously payable under Article 33(1) of the Industrial Training Order

4. Where, before Article 72 of the 2015 Order (trainees) came into operation for all purposes, payments were payable to a person in consequence of an injury or disease under Article 33(1) of the Industrial Training Order(g) (other payments for accidents in training) that person is entitled to equivalent payments of industrial injuries benefit.

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

(b) 1950 c. 29 (N.I.); section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8)

(c) Article 19A was inserted by section 1(2) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.))

(d) Section 13 was amended by section 3(4) of the Welfare Reform Act (Northern Ireland) 2010 and is amended by Article 61 of the Welfare Reform (Northern Ireland) Order 2015

(e) Article 8C is inserted by Article 55(4) of the Welfare Reform (Northern Ireland) Order 2015

(f) Section 11C is inserted by Article 63(2) of the Welfare Reform (Northern Ireland) Order 2015

(g) Article 33(1) was amended by Part I of Schedule 2 to the Industrial Training (Northern Ireland) Order 1990, paragraph 30(2) of Schedule 2 to the Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9) and is amended by Article 72(2) of the Welfare Reform (Northern Ireland) Order 2015

Outstanding claims

5. Any claim for payments in consequence of an injury or disease under Article 33(1) of the Industrial Training Order, which was made but not determined before Article 72 of the 2015 Order came into operation for all purposes, is to be treated as a claim for industrial injuries benefit.

Signed by authority of the Secretary of State for Work and Pensions

6th June 2016

Priti Patel
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the extension of eligibility for industrial injuries benefits to people participating in certain employment training schemes and employment training courses.

Article 72 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) (“the 2015 Order”) inserts section 95A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) (“the Contributions and Benefits Act”). Section 95A(1) provides that references to “employed earner’s employment” in the industrial injuries and diseases provisions (defined in section 95(4) of the Contributions and Benefits Act) include participation in employment training schemes and courses of a description prescribed in regulations. Regulation 2 of these Regulations prescribes these employment training schemes and courses.

Section 95A(2) of the Contributions and Benefits Act provides that references to an “employer” in relation to participation in such schemes and courses, are references to persons prescribed in regulations. Regulation 3 provides that any person providing employment training schemes or courses prescribed by regulation 2 is to be regarded as such an employer.

Article 72 of the 2015 Order also specifies that regulations may provide for the payment of industrial injuries benefit to persons to whom payments were previously payable under Article 33(1) of the Industrial Training (Northern Ireland) Order 1984 and for claims for such payments to be treated as claims for industrial injuries benefit. Regulation 4 therefore provides for the payment of industrial injuries benefit to such persons and regulation 5 provides for claims made for such payments but not determined before the coming into operation of Article 72 of the 2015 Order to be treated as claims for industrial injuries benefit.

An impact assessment has not been published for this Rule as no impact on the private or voluntary sector is foreseen.

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