

## **EXPLANATORY MEMORANDUM TO**

### **The Social Security (Emergency Funds) (Amendment) Regulations (Northern Ireland) 2017**

**S.R. 2017 No. 205**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 122(1)(a) and (d), 129A(2), 132(3) and (4), 132A(3), 134(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, Articles 14(1) and (4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995, sections 2(3)(b) and 15(6)(b) of the State Pension Credit Act (Northern Ireland) 2002, and sections 17(1) and (3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007, and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. This Statutory Rule amends various sets of Regulations following the terrorist attacks in Manchester on 22 May 2017 and London on 22 March and 3 June 2017. The amendments ensure payments made by the We Love Manchester Emergency Fund and London Emergencies Trust are fully disregarded for the purpose of calculating entitlement to income-related benefits and funeral expense payments for anyone already in receipt of those benefits or those who may become new claimants.

#### **3. Background**

- 3.1. The We Love Manchester Emergency Fund and the London Emergencies Trust were established following the terror attacks in Manchester on 22 May 2017 and in London on 22 March and 3 June 2017. These funds will be making payments to victims of the attack and their dependents.
- 3.2. The various social security income-related benefits, including funeral expenses payments, have different rules of entitlement including those relating to the treatment of income and capital. However, these benefits do have exceptions that allow some sources of income and capital to be disregarded, or not deducted in the case of a funeral expense payment, in the calculation of entitlement either in full or in part. The various income-related Regulations already provide for the specific disregard of various existing compensation payments but not those from the new Fund or Trust.
- 3.3. Therefore, any payment made from the Fund or Trust will be disregarded in full, or not deducted in the case of a funeral expense payment, so that no existing or future benefit payment is affected.

#### **4. Consultation**

- 4.1. Due to the urgent nature of the amendment, no public consultation was carried out.

## **5. Equality Impact**

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the proposals and concluded that the proposals do not have significant implications for equality of opportunity.

## **6. Regulatory Impact**

6.1. These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

## **7. Financial Implications**

7.1. The Regulations are not expected to give rise to any significant cost.

## **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

- a) is not incompatible with any of the Convention rights,
- b) is not incompatible with Community law,
- c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and
- d) does 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 corresponding Great Britain Regulations are the Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017 No. 689) and came into force on 19 June 2017. Parity of timing and substance is an integral part of the maintenance of single systems of social security, child support and pensions in line with section 87 of the Northern Ireland Act 1998. It was, therefore necessary to make the regulations during the period of interregnum of the Assembly.

## **11. Additional Information**

11.1. Not applicable.