

EXPLANATORY MEMORANDUM TO

The Social Security (Income-related Benefits) (Amendment) Regulations (Northern Ireland) 2017

S.R. 2017 No. 62

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 132(4)(b) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, Article 14(4)(b) of the Jobseekers (Northern Ireland) Order 1995, sections 15(1)(j) and (6)(b) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002 and section 17(3)(b) of the Welfare Reform Act (Northern Ireland) 2007, and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Statutory Rule amends the disregard of income other than earnings in those income-related benefits Regulations, where that income is a payment made by a government to victims of National Socialist persecution so that the same disregard is applied in all cases.

3. Background

- 3.1. An Upper Tribunal decision in Great Britain in relation to Housing Benefit found that payments made by the Dutch Government to victims of National Socialist persecution should be treated in the same way as payments made under schemes administered by the German and Austrian Governments. After considering the judgment, GB Ministers decided that a £10.00 weekly disregard should be applied to compensation payments made by a Government to victims of Nationalist Socialist persecution. It is anticipated that removal of reference to any specific government should avoid any possible recurrence of this issue.

4. Consultation

- 4.1. This policy has not been subject to public consultation.

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 and concluded that the changes did not have any significant implications for equality of opportunity. In light of this, the Department 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 also considered its obligations under section 24 of the Northern Ireland Act 1998, and considers that these Regulations are not incompatible with the Convention rights, are not incompatible with Community law, do not discriminate against any person or class of person on the ground of religious belief or political opinion and do not modify any 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. These Regulations are to the Social Security (Income-related Benefits) (Amendment) Regulations 2017 which were made in Great Britain on 20 February 2017, and come into force on 20 March 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.