

EXPLANATORY MEMORANDUM TO

THE SOCIAL SECURITY (MISCELLANEOUS AMENDMENTS)

REGULATIONS (NORTHERN IRELAND) 2018

S.R. 2018 NO. 149

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(3) and (4)(b) and 171(1) and (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, Articles 14(4)(b) and 36(2)(a) of the Jobseekers (Northern Ireland) Order 1995, and sections 17(3)(b) and 25(2)(a) of the Welfare Reform Act (Northern Ireland) 2007, and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations amend a number of social security related Statutory Rules to include reference to the Social Services and Well-being (Wales) Act 2014, where applicable. The Social Services and Well-being (Wales) Act 2014 (the 2014 Act) makes provision in relation to the needs of people who need care and support, and carers who need support, and for transforming social services in Wales. There are a number of social security related Statutory Rules which make reference to the Children Act 1989 in provisions relating to calculation of grant income, and these provisions are being amended to include reference to the 2014 Act.
- 2.2. These Regulations also amend the Housing Benefit Regulations (Northern Ireland) 2006, to clarify the qualifying conditions for a disregard when a claimant is a member of a couple. This change restores the regulation to reflect the policy intent that the person working is also the one who meets the qualifying conditions by being the one who is entitled to a disability premium or is receiving the support component as part of their award of Employment

and Support Allowance (ESA) or is in the work-related activity group for ESA.

3. Background

3.1. The 2014 Act makes provision in relation to the needs of people who need care and support, and carers who need support in Wales. The Act came into force on 6 April 2016.

3.2. In determining a person's entitlement to income-related benefits, the Department for Communities takes no account of certain payments the person may receive; these are known as disregards. In calculating student grant income, a higher education bursary for care leavers made under Part III of the Children Act 1989 is already disregarded. These Regulations ensure that any payment made under Part 6 of the 2014 Act are also disregarded when calculating entitlement to income-related benefits.

4. Consultation

4.1. There is no requirement to consult in relation to these Regulations.

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 proposals for these Regulations and concluded that they do not have significant implication for equality of opportunity or good relations. In light of this, the Department considered that an equality impact assessment is 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. A breach of parity in this matter may incur financial costs, both in the loss of benefit savings and in administration costs, which would have to be met by the Northern Ireland Executive from the Northern Ireland block grant.

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 that 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. These Regulations are equivalent, in part, to the Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017([S.I. 2017/901](#)) which were made in Great Britain on 7th September 2017, and came into force on 3rd November 2017.

11. Additional Information

11.1. Not applicable.