

EXPLANATORY MEMORANDUM TO

The Social Fund and Income-Related Benefits (Miscellaneous Amendments and Savings) Regulations (Northern Ireland) 2018

S.R. 2018 No. 192

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly.
- 1.2. These Regulations are made under sections 122(1)(a) and (d), 132(3) and (4)(b), 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)(b) and 36(1) and (3) of the Jobseekers (Northern Ireland) Order 1995, sections 15(3) and (6)(b) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002 and section 17(1) and (3)(b) of the Welfare Reform Act (Northern Ireland) 2007.
- 1.3. These Regulations are subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations will amend social security legislation as a consequence of Early Years Assistance (Best Start Grants) which are being introduced by the Social Security (Scotland) Act 2018 (asp 9). The amendments will ensure that:
 - only claimants who live in Northern Ireland are eligible for a Sure Start Maternity Grant; and
 - recipients of the pregnancy and baby element of the Early Years Assistance who subsequently move from Scotland to Northern Ireland are not eligible for the Sure Start Maternity Grant.
- 2.2. The Rule also makes amendments to ensure Early Years Assistance is disregarded in certain Income-related benefits.

3. Background

- 3.1. The Sure Start Maternity Grant (SSMG) is a payment of £500 to provide help with the costs of a new baby if there are no other children under the age of 16 in the family (and the claimant is in receipt of a relevant qualifying benefit).
- 3.2. Responsibility for payments for maternity expenses, funeral expenses and expenses for heating in cold weather to people in Scotland was devolved to the Scottish Parliament under the Scotland Act 2016.
- 3.3. Under section 32 of the 2018 Act the Scottish Government are introducing their equivalent of the SSMG in the form of Early Years Assistance (Best Start Grants) to cover maternity expenses for people living permanently in

Scotland. People living temporarily in Scotland or who do not satisfy the habitual residence test will not be eligible for Early Years Assistance.

- 3.4. SSMG will continue to be payable under the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005 (S.R.2005 No.506) to people living in Northern Ireland and to people living temporarily in Scotland who will be able to claim SSMG from their permanent address in Northern Ireland. SSMG will not be payable to a person living permanently in Scotland, or to a person who has moved to Northern Ireland and has already claimed a Best Start Grant for the same child.
- 3.5. The provisions in this Rule will amend the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (S.R.2005 No. 506) to restrict eligibility to claimants living in Northern Ireland, to prevent duplicate payments and ensure that recipients of a pregnancy and baby grant (the first of the Best Start Grants) are not also eligible for a SSMG for the same child.
- 3.6. Part 3 of this Rule ensures that Early Years Assistance is disregarded for income and capital purposes in the same way as the current SSMG is in the following income-related benefits:
 - The Income Support (General) Regulations (Northern Ireland) 1987;
 - The Jobseeker's Allowance Regulations (Northern Ireland) 1996;
 - The State Pension Credit Regulations (Northern Ireland) 2002;
 - The Housing Benefit Regulations (Northern Ireland) 2006;
 - The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006; and
 - The Employment and Support Allowance Regulations (Northern Ireland) 2008

4. Consultation

- 4.1. The Scottish Government consulted on draft regulations to implement the Best Start Grant between 26 March and 15 June 2018. As Northern Ireland is not amending current policy no consultation was carried out here.

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 implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment is not necessary.

6. Regulatory Impact

- 6.1. The regulations do not require a Regulatory Impact Assessment as they do not impose any costs on business, charities or voluntary bodies.

7. Financial Implications

It is anticipated that any impact would be minimal as cases are likely to be minimal and these Regulations will prevent duplicate payment of either an SSMG or a Best Start 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 these Regulations:
- (a) are not incompatible with any of the Convention rights;
 - (b) are not incompatible with Community law;
 - (c) do not discriminate against a person or class of person on the ground of religious belief or political opinion; and
 - (d) 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 corresponding Great Britain Order is the Social Security (Scotland) Act 2018 (Best Start Grants) (Consequential Modifications) Order 2018 (S.I. 2018/1138)
- 10.2. In line with the long-standing policy of parity in social security, the Regulations will come into operation immediately after the coming into force of the first Regulations made under section 32 of the Social Security (Scotland) Act 2018. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998. It was, therefore, necessary to make the Regulations during the period of interregnum.

11. Additional Information

- 11.1. Not applicable