

EXPLANATORY MEMORANDUM TO

THE SOCIAL SECURITY (INCOME-RELATED BENEFITS)
(AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2019

S.R. 2019 NO. 23

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), 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 (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. These Regulations amend a number of social security related Statutory Rules to apply a disregard in respect of a carer's allowance supplement paid to a claimant by the Scottish Government.

3. Background

- 3.1. The Scotland Act 2016 devolved responsibility for certain welfare benefits, and employment support, to the Scottish Parliament. The Scottish Government has introduced a carer's allowance supplement under the Social Security (Scotland) Act 2018 (asp 9) ("the 2018 Act") as it made a commitment to increase the allowance paid to carers to the same as a single person's rate of Jobseeker's Allowance for people aged not less than 25.
- 3.2. In order to deliver the increase as soon as possible, the Scottish Government will pay a carer's allowance supplement to people in receipt of carer's allowance and living in Scotland. Under the 2018 Act, the carer's allowance

supplement will be paid twice-yearly to qualifying individuals in respect of each of the following periods of each financial year (a) 1 April to 30 September, and (b) 1 October to 31 March. The qualifying date in respect of each six-monthly period will be determined by the Scottish Ministers and will be a date which falls within the period to which the payment relates.

3.3. 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. Although this measure is unlikely to have a direct impact in Northern Ireland, a case may arise where a claimant moves from Scotland to Northern Ireland, and receives a retrospective payment of carer's allowance supplement as a result of the twice-yearly payment regime in Scotland. This statutory rule ensures that the payment would be disregarded from income-related social security benefits in Northern Ireland.

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 implications 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 to the Social Security (Scotland) Act 2018 (Consequential Modifications) Order 2018 ([S.I. 2018/872](#)) which were made in Great Britain on 11th July 2018, and came into force on 3rd September 2018.

11. Additional Information

11.1. Not applicable.