Draft Order laid before Parliament under section 166(10A) of the Social Security Administration (Northern Ireland) Act 1992, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

SOCIAL SECURITY, NORTHERN IRELAND

The Guardian's Allowance Up-rating (Northern Ireland) Order 2010

Made - - - -	*****
Coming into force - -	*12th April 2010*

Following the carrying out a review in Great Britain of the sums specified in section 150(1)(a)(i) (rates of benefits, etc) of the Social Security Administration Act 1992(**1**) ("the Great Britain Administration Act") in the tax year ending with 5th April 2010, the Treasury have determined that the general level of prices was not greater at the end of the period under review than it was at the beginning(**2**).

In accordance with the discretion afforded by virtue of section 23 of the Welfare Reform Act 2009(**3**) the Treasury considered it appropriate, having regard to the national economic situation and other matters they considered relevant, to lay a draft Order before each House of Parliament which increases the weekly rate of guardian's allowance.

Section 132(1) of the Social Security Administration (Northern Ireland) Act 1992(**4**) ("the Northern Ireland Administration Act") provides that, whenever the Treasury make an Order under section 150 of the Great Britain Administration Act, they may make corresponding provision in respect of Northern Ireland.

A draft of this Order was laid before and has been approved by resolution of each House of Parliament in accordance with section 166(10A)(**5**) of the Northern Ireland Administration Act.

Accordingly, the Treasury make the following Order in the exercise of the powers conferred by sections 132(1) and 165(4) of the Northern Ireland Administration Act and now vested in them(**6**).

(**1**) 1992 c. 5.
(**2**) The functions of the Secretary of State in respect of guardian's allowance under part 10 of the Great Britain Administration Act which are relevant to the making of this Order were transferred to the Treasury by section 49(3) of the Tax Credits Act 2002 (c. 21) ("the Tax Credits Act").
(**3**) 2009 c. 24.
(**4**) 1992 c. 8.
(**5**) Subsection (10A) was inserted by paragraph 50(4) of Schedule 3 to the Social Security (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and amended by paragraph 11(3) of Schedule 4 to the Tax Credits Act.
(**6**) The functions of the Department for Social Development in respect of guardian's allowance under section 132 of the Northern Ireland Administration Act which are relevant to the making of this Order were transferred to the Treasury by section 49(4) of the Tax Credits Act.

Citation and commencement

1. This order may be cited as the Guardian's Allowance Up-rating (Northern Ireland) Order 2010 and shall come into force on 12th April 2010.

Amendment of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992

2. In paragraph 5 of Part 3 of Schedule 4 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**7**) (weekly rate of guardian's allowance) for "£14.10" substitute "£14.30".

Name
Name
Two of the Lords Commissioners for Her Majesty's Treasury

Date

(**7**) 1992 c.7. This paragraph was last amended by S.I. 2009/798.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made by the Treasury following a review of the general level of prices conducted by them under section 150 of the Social Security Administration Act 1992 in the tax year ending 5th April 2010. Although the Treasury determined that the general level of prices was not greater at the end of the period under review than it was at the beginning, they have decided to use their discretion afforded by section 23 of the Welfare Reform Act 2009 (c. 24) to increase the weekly rate of guardian's allowance prescribed in paragraph 5 of Part 3 of Schedule 4 to the Social Security Contributions and Benefits Act 1992 (c. 7) from £14.10 to £14.30 with effect from 12th April 2010. The weekly rate of guardian's allowance was last amended by the Guardian's Allowance Up-rating (Northern Ireland) Order 2009 (S.I. 2009/798).

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.