

*These notes refer to the Welfare Reform Act (Northern Ireland)
2010 (c.13) which received Royal Assent on 13 August 2010*

Welfare Reform Act (Northern Ireland) 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Social security

Section 30: Minor amendments

Subsections (1) and (2) of section 30 will ensure that the preserved right to a child dependency increase under sections 80 and 81 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 can continue for a child over 16 who meets the relevant conditions.

Sections 80 and 81 of the Social Security (Contributions and Benefits) (Northern Ireland) Act 1992 provided that incapacity benefit, severe disablement benefit, state pension, carer's allowance, widow's benefit and bereavement benefit could be increased where a person was receiving child benefit in respect of a child, defined as a person under the age of 16, or a person under the age of 19 who was still in full time education.

When child tax credits were introduced in 2003, child dependency increases ceased and section 80 was repealed; however it was preserved for those cases where the increase was already in payment, until such time as the child reached the age of 16, or 19 where he or she remained in full-time education.

The definition of a child was amended to a person who has not attained the age of 16 from 10th April 2006 when the Child Benefit Act 2005 came into force. A new definition of 'qualifying young person' applies to a person over 16 years of age who meets certain conditions set out in the [Child Benefit \(General\) Regulations 2006 \(SI 2006 No. 223\)](#).

No amendments were made to change the definitions for the purposes of preserved child dependency increases, with the consequence that these may only be paid in respect of a child who has not reached the age of 16.

Subsection (3) of section 30 amends section 146(2) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (interpretation of Part 10: Christmas bonus) to amend a provision of the Welfare Reform Act (Northern Ireland) 2007. This resulted in entitlement to a Christmas bonus to all claimants of employment and support allowance, including income-related employment and support allowance. This did not achieve the policy intention of taking

*These notes refer to the Welfare Reform Act (Northern Ireland)
2010 (c.13) which received Royal Assent on 13 August 2010*

forward the existing distinction between contributory incapacity benefit and income-related income support.