
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 (“the principal Regulations”) in consequence of the coming into operation of Articles 59 to 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.

Regulation 2 amends the principal Regulations—

- (a) so that those entitled to invalid care allowance, disability working allowance or disabled person’s tax credit will continue to meet the old first contribution condition (regulation 2(2));
- (b) so that certain days may be treated or not treated as days of incapacity (regulation 2(3) and (4));
- (c) in relation to persons incapacitated in youth to make provision for—
 - circumstances in which the age limit of 20 may be extended to 25; the conditions as to presence or residence in Northern Ireland; the circumstances in which a person is or is not to be treated as receiving full-time education; the circumstances in which a previous claimant who does not satisfy the age condition again becomes entitled; and the circumstances in which a person formerly entitled to severe disablement allowance is transferred to incapacity benefit (regulation 2(5)); and
- (d) in relation to reduction for pension payments to make provision for—
 - defining and including permanent health insurance as pension payments; the disregard of certain pension payments; the date from which pension payment is to be taken into account; the date from which a change in rate of the pension takes effect; the pension payments made other than weekly; priority of pension payment deductions; and the exemption for those entitled to the highest rate care component of disability living allowance (regulation 2(5)).

Regulations 3 to 5 respectively make amendments to the Social Security (Credits) Regulations (Northern Ireland) 1975, the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1998 consequential on the amendments to the principal Regulations.

Regulation 6 contains a saving provision.

Regulation 7 makes consequential revocations.

Sections 30A(2A), (6) and (7), 30C(3) and 30DD of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 under which these Regulations are made were brought into operation on 3rd November 2000 for the purpose only of authorising the making of regulations and on 6th April 2001 for all other purposes by virtue of Article 2(3) of the Welfare Reform and Pensions (1999 Order) (Commencement No. 6 and Transitional and Savings Provisions) Order (Northern Ireland) 2000 (S.R. 2000 No. 332 (C. 14)). As these Regulations are made before the end of the period of 6 months from the commencement date of those provisions, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), from reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.