
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 135

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2011**

Amendment of the Employment and Support Allowance Regulations

14.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(1) are amended in accordance with paragraphs (2) to (12).

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “medical evidence”, after “medical evidence” insert “, except in regulation 32A,”; and

(b) after the definition of “mobility supplement” insert—

““national minimum wage” means the rate of the national minimum wage specified in regulation 11 of the National Minimum Wage Regulations 1999 (rate of the national minimum wage);”.

(3) Renumber regulation 32A(2) (claimants to be treated as not having limited capability for work at the end of the period covered by medical evidence) as paragraph (1) of that regulation and in the renumbered paragraph (1)—

(a) in sub-paragraph (a) omit “in accordance with regulation 30(2)(a)”; and

(b) after paragraph (1) add—

“(2) In this regulation “medical evidence” means evidence provided under regulation 2 or 5 of the Medical Evidence Regulations.”.

(4) In regulation 45 (exempt work)—

(a) in paragraphs (3) and (4)(3) for “£95.00” substitute “ subject to paragraph (9A), 16 times the national minimum wage”; and

(b) after paragraph (9) insert—

“(9A) Where the amount determined by the calculation in paragraphs (3) and (4) would, but for this paragraph, include an amount of—

(a) less than 50p, that amount shall be rounded up to the nearest 50p; or

(b) less than £1 but more than 50p, that amount shall be rounded up to the nearest £1.”.

(5) In regulation 76 (deductions for councillor’s allowance)—

(a) in paragraph (1) for “£95.00(4)” substitute “subject to paragraph (3), 16 times the national minimum wage”; and

(b) after paragraph (2) add—

(1) [S.R. 2008 No. 280](#)

(2) Regulation 32A was inserted by regulation 9(9) of [S.R. 2010 No. 200](#)

(3) Paragraph (3) was amended by regulation 9(10)(a) of [S.R. 2010 No. 200](#) and paragraphs (3) and (4) were amended by regulation 5(2) of [S.R. 2010 No. 311](#)

(4) Paragraph (1) was amended by regulation 5(3) of [S.R. 2010 No. 311](#)

“(3) where the amount determined by the calculation in paragraph (1) would, but for this paragraph, include an amount of—

- (i) less than 50p, that amount shall be rounded up to the nearest 50p; or
- (ii) less than £1 but more than 50p, that amount shall be rounded up to the nearest £1.”.

(6) In regulation 93 (date on which income is treated as paid)—

- (a) in paragraph (1) omit “or (3)”; and
- (b) omit paragraphs (3) and (4)(5).

(7) In regulation 104(1)(6) (calculation of income other than earnings) omit “and regulation 93(3) and (4) (date on which income is treated as paid)”.

(8) In regulation 149(1)(7) (linking rules-limited capability for work) after “employment and support allowance” add “until it is determined whether that beneficiary has, or is treated as having, limited capability for work following a limited capability for work assessment”.

(9) In regulation 150(8) (linking rules-limited capability for work-related activity) after “employment and support allowance” add “until it is determined whether that beneficiary has, or is treated as having, limited capability for work-related activity in accordance with regulation 34 or 35”.

(10) In Schedule 6 (housing costs)—

- (a) in paragraph 6(5)(b) (housing costs not met) after “income” insert “equal to or”;
- (b) in paragraph 15(1) (linking rules) omit “Subject to sub-paragraph (2),”;
- (c) omit paragraph 15(2); and
- (d) in paragraph 15(8)—
 - (i) in sub-paragraph (b) after “income” insert “equal to or”, and
 - (ii) after sub-paragraph (b) insert—

“(bb) an amount of contributory allowance payable in respect of a claimant under section 2 that is equal to, or exceeds, the applicable amount in the claimant’s case; or”.

(11) In paragraphs 5, 6 and 7(3)(b) of Schedule 7(9) (sums to be disregarded in the calculation of earnings) for “£95.00”, in each place where it occurs, substitute “16 times the national minimum wage”.

(12) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) in paragraph 7 for sub-paragraph (3)(10) substitute—

“(3) Any increase in respect of a dependent child or dependent young person under section 80 or 90 of the Contributions and Benefits Act.”.

(5) Paragraph (3) was amended by and paragraph (4) was added by regulation 8(4) of [S.R. 2009 No. 92](#)
 (6) Paragraph (1) was amended by regulation 8(7) of [S.R. 2009 No. 338](#)
 (7) Regulation 149(1) was substituted in relation to certain cases by regulation 6(3)(a) of [S.R. 2010 No. 347](#)
 (8) Regulation 150 was substituted in relation to certain cases by regulation 6(5) of [S.R. 2010 No. 347](#)
 (9) Paragraphs 5, 6 and 7(3)(b) of Schedule 7 were amended by regulation 5(4) of [S.R. 2010 No. 311](#)
 (10) Sub-paragraph (3) was inserted by regulation 9(20)(a) of [S.R. 2010 No. 200](#)