
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact the provisions of the Social Security Benefits Up-rating Regulations (Northern Ireland) 2023 which would otherwise cease to have effect by virtue of section 51(3) of the Pensions Act (Northern Ireland) 2015. The Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 2023 are also revoked as the corresponding Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2023 has been revoked. These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5, to the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2023 (the “Up-rating Order”) on a benefit already in payment, the altered rates will not apply until that question is determined.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 and regulation 21 of the State Pension Regulations (Northern Ireland) 2015 so as to restrict the application of increases specified in the Up-rating Order in cases where the beneficiary is not ordinarily resident in Northern Ireland.

Regulation 4 increases from £132 to £139 the amount which a person eligible for payment of Carer’s Allowance can earn in the immediately preceding week without being deemed to be gainfully employed and, therefore, losing their entitlement to Carer’s Allowance. The Social Security (Carer’s Allowance) (Amendment) Regulations (Northern Ireland) 2002 replace references to “Invalid Care Allowance” with references to “Carer’s Allowance” in certain legislative provisions, but “Invalid Care Allowance” remains part of the title of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 for statutory purposes.

Regulation 5 raises from £255 to £280, and from £34 to £37 the earnings limit for child dependency increases payable with a carer’s allowance. These increases were abolished by sections 1(3)(e) and 60 of, and Schedule 6 to, the Tax Credits Act 2002 but are saved for transitional cases by virtue of Article 2 of the Tax Credits Act 2002 (Transitional Provisions and Savings) Order (Northern Ireland) 2003.

Regulation 6 increases from £27.00 to £29.75 the amount allowed for personal expenses for a person in certain accommodation, where that person’s benefit is paid to the accommodation provider.

Regulation 7 increases the amounts specified for the transitional severe disability premium element in paragraph 5 of Schedule 2 to the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016. These increased amounts will apply in the first assessment period of an award of universal credit that begins on or after 10th April 2023.

Regulation 8 revokes the Social Security Benefits Up-rating Regulations (Northern Ireland) 2023 and the Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 2023.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security Benefits Up-rating (No. 3) Regulations (Northern Ireland) 2023.