
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 105

SOCIAL SECURITY

The Social Security (Incapacity for Work) (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2000

Made 21st March 2000

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred by sections 167A, 167C, 167D and 171(3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), and now vested in it(b), and of all other powers enabling it in that behalf, by this statutory rule which contains only regulations consequential upon Article 58 of, and paragraph 22(2) of Schedule 8 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999(c) and which is made before the end of the period of six months beginning with the coming into operation of those provisions(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Incapacity for Work) (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2000 and shall come into operation—

(a) for the purposes of this regulation and regulation 3, on 2nd April 2000; and

(b) for the purposes of regulation 2, on 3rd April 2000.

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2. In regulation 22A(3) of the Income Support (General) Regulations (Northern Ireland) 1987(f) (reduction in applicable amount where the claimant is appealing against a decision that he is not incapable of work) for

(a) 1992 c. 7; section 167A was inserted by Article 7 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and is amended by paragraph 22 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); section 167C was inserted by Article 7 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and is substituted by Article 58 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 167D was inserted by Article 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(b) See Article 8(b) of S.R. 1999 No. 481

(c) S.I. 1999/3147 (N.I. 11)

(d) See section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

(e) 1954 c. 33 (N.I.)

(f) S.R. 1987 No. 459; regulation 22A was inserted by regulation 13 of S.R. 1996 No. 199

“made on the first application of the test to the claimant” there shall be substituted “the first determination made in accordance with, the all work test before 3rd April 2000 or, after that date, the personal capability assessment, in relation to the claimant”.

Revocation

3. Regulation 4(2)(b) of the Social Security (Incapacity for Work) (Miscellaneous Amendments) Regulations (Northern Ireland) 2000(a) is hereby revoked.

Sealed with the Official Seal of the Department for Social Development
on 21st March 2000.

(L.S.)

John O'Neill

Senior Officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make amendments in consequence of the coming into operation of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (“the Order”).

The Regulations—

amend regulation 22A(3) of the Income Support (General) Regulations (Northern Ireland) 1987 in relation to the replacement of the all work test by the personal capability assessment (regulation 2); and

revoke regulation 4(2)(b) of the Social Security (Incapacity for Work) (Miscellaneous Amendments) Regulations (Northern Ireland) 2000 (regulation 3).

These Regulations are made in consequence of Article 58 of, and paragraph 22(2) of Schedule 8 to, the Order, which respectively substitute section 167C of, and insert section 167A(2A) into, the Social Security Contributions and Benefits (Northern Ireland) Act 1992. Article 58 of, and paragraph 22(2) of Schedule 8 to, the Order came into operation for the purpose only of making regulations on 1st December 1999 by virtue of Article 1(5) of the Order. In so far as not already in operation, Article 58 comes into operation on 3rd April 2000 and paragraph 22(2) of Schedule 8 came into operation on 16th December 1999 by virtue of the Welfare Reform and Pensions (1999 Order) (Commencement No. 1) Order (Northern Ireland) 1999 (S.R. 1999 No. 494 (C. 38)). Since the Regulations are made before the end of the period of 6 months from the commencement of those provisions of the Order, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 from reference to the Social Security Advisory Committee.

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