

2001 No. 156

**SOCIAL SECURITY**

**The Social Security (Incapacity Benefit) (Amendment)  
Regulations (Northern Ireland) 2001**

*Made* . . . . . 6th April 2001

*Coming into operation* . . . . . 25th April 2001

The Department for Social Development, in exercise of the powers conferred by sections 30A(2A) and (6) and 171(2) to (4) of, and paragraph 2(8) of Schedule 3 to, 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 made by virtue of, or consequential upon, Articles 59 and 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999(c), hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Social Security (Incapacity Benefit) (Amendment) Regulations (Northern Ireland) 2001 and shall come into operation on 25th April 2001.

*Amendment of the Social Security (Incapacity Benefit) Regulations*

2.—(1) The Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(d) shall be amended in accordance with paragraphs (2) to (4) of this regulation.

(2) In regulation 1B(2)(a) (relaxation of the first contribution condition in certain cases) for “relevant tax year” there shall be substituted “last complete tax year”.

(3) In regulation 14(3) (age exception — persons aged 20 and under 25) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) ended no earlier than the beginning of the last two complete tax years before the benefit year which would have governed a

---

(a) 1992 c. 7; section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)); section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and paragraph 2(8) of Schedule 3 was added by Article 59(4) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

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

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

(d) S.R. 1994 No. 461; regulation 1B was inserted and regulations 14 and 17 were added by regulation 2 of S.R. 2000 No. 404

claim for incapacity benefit under section 30A(1)(a) of the Contributions and Benefits Act had he been eligible for that benefit.”.

(4) In regulation 17(3)(b) (circumstances in which a previous claimant who does not satisfy the age condition becomes entitled)—

(a) after “earnings”, in the first place where it occurs, there shall be inserted “factor”; and

(b) for “were” there shall be substituted “was”.

Sealed with the Official Seal of the Department for Social Development  
on 6th April 2001.

(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 amend the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 to clarify the position relating to the relaxation of the first contribution condition for incapacity benefit, and the circumstances where a person may be entitled to incapacity benefit when he is aged between 20 and 25, or where he has previously been so entitled.

Section 30A(2A) and (6) of, and paragraph 2(8) of Schedule 3 to, 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.

£1.75

Published by The Stationery Office Limited

Printed in the UK by The  
Stationery Office Limited  
under the authority and  
superintendence of Carol  
Tullo, Controller of  
Her Majesty's Stationery  
Office being the Government  
Printer for Northern Ireland and  
the Officer appointed to print the  
Acts of the Northern Ireland Assembly  
Dd. N10132. C3. 4/01. Gp. 130. 14567.