

2001 No. 316

SOCIAL SECURITY

The Social Security (Incapacity Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2001

Made 7th September 2001

Coming into operation 1st October 2001

The Department for Social Development, in exercise of the powers conferred by sections 30E, 167D and 171(1) to (4) of, and paragraphs 2(8) of Schedule 3 and 2(3) of Schedule 7 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, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2001 and shall come into operation on 1st October 2001.

Amendment of the Social Security (General Benefit) Regulations

2. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(c) (earnings level for the purpose of unemployability supplement) for “£3,146·00” there shall be substituted “£3,432·00”.

Amendment of the Social Security (Incapacity Benefit) Regulations

3.—(1) The Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(d) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1B(2)(a)(e) (relaxation of the first contribution condition in certain cases)—

(a) for “before” there shall be substituted “immediately preceding the relevant benefit year in which”; and

(a) 1992 c. 7; section 30E and 167D were respectively inserted by Articles 5(1) and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), 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 (S.I. 1999/3147 (N.I. 11))

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

(c) S.R. 1984 No. 92; relevant amending regulations are S.R. 2001 No. 106

(d) S.R. 1994 No. 461; relevant amending regulations are S.R. 2000 No. 404 and S.R. 2001 Nos. 106 and 156

(e) Regulation 1B was inserted by regulation 2(2) of S.R. 2000 No. 404 and amended by regulation 2(2) of S.R. 2001 No. 156

(b) after “for work” there shall be inserted “occurred”.

(3) In regulation 7(a) (limit of earnings from councillor’s allowance) for “£60·50” there shall be substituted “£66·00”.

Amendment of the Social Security (Incapacity for Work) (General) Regulations

4. In regulation 17(2)(a) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(b) (exempt work) for “£60·50” there shall be substituted “£66·00”.

Revocations

5. Regulations 5 to 7 of the Social Security Benefits Up-rating Regulations (Northern Ireland) 2001(c) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 7th September 2001.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

(a) Regulation 7 was amended by S.R. 2001 No. 106

(b) S.R. 1995 No. 41; relevant amending regulations are S.R. 2001 No. 106

(c) S.R. 2001 No. 106

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Social Security (General Benefit) Regulations (Northern Ireland) 1984, the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 (“the Incapacity Benefit Regulations”) and the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 to take into account the increase in the national minimum wage which takes effect from 1st October 2001.

Regulation 2 increases the annual unemployability supplement earnings level from £3,146·00 to £3,432·00.

Regulation 3(3) increases the weekly earnings limit for a councillor’s allowance in relation to incapacity benefit from £60·50 to £66·00.

Regulation 4 increases the weekly incapacity for work therapeutic earnings limit from £60·50 to £66·00.

Regulation 5 contains consequential revocations.

Regulation 3(2) further amends the Incapacity Benefit Regulations to clarify the position relating to the relaxation of the first contribution condition for incapacity benefit.

These Regulations correspond 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 and paragraph 7 of Schedule 5A to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of subsection (2) or, as the case may be, (2A) of section 149 of that Act for prior reference to the Social Security Advisory Committee or the Industrial Injuries Advisory Council.

These Regulations do not impose a charge on business.

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