

2005 No. 415

SOCIAL SECURITY

**The Social Security (Incapacity) (Miscellaneous Amendments)
Regulations (Northern Ireland) 2005**

Made - - - - - *2nd September 2005*

Coming into operation - - - - - *1st October 2005*

The Department for Social Development, in exercise of the powers conferred by sections 30E, 167D and 171(1) to (3) of, and paragraph 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) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005 and shall come into operation on 1st October 2005.

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 “£4,056·00” there shall be substituted “£4,212·00”.

Amendment of the Social Security (Incapacity Benefit) Regulations

3. In regulation 7 of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(d) (limit of earnings from councillor’s allowance) for “£78·00” there shall be substituted “£81·00”.

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(e) (exempt work) for “£78·00” there shall be substituted “£81·00”.

(a) 1992 c. 7; sections 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(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and 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)

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

(c) S.R. 1984 No. 92; relevant amending regulations are S.R. 2004 No. 380

(d) S.R. 1994 No. 461; relevant amending regulations are S.R. 2004 No. 380

(e) S.R. 1995 No. 41; relevant amending regulations are S.R. 2002 No. 86 and S.R. 2004 No. 380

Revocation

5. The Social Security (Incapacity) (Miscellaneous Amendments) Regulations (Northern Ireland) 2004(a) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 2nd September 2005.



D. A. Baker
A senior officer of the Department for Social Development

(a) S.R. 2004 No. 380

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (General Benefit) Regulations (Northern Ireland) 1984 (“the General Benefit Regulations”), 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 (“the Incapacity for Work Regulations”). Increases in amounts are consequential upon the increase in the national minimum wage which takes effect from 1st October 2005.

Regulation 2 amends regulation 14 of the General Benefit Regulations by increasing from £4,056 to £4,212 the amount which can be earned before disqualification for unemployment supplement.

Regulation 3 amends regulation 7 of the Incapacity Benefit Regulations by increasing the earnings limit for councillor’s allowance from £78·00 to £81·00.

Regulation 4 amends regulation 17 of the Incapacity for Work Regulations by increasing from £78·00 to £81·00 the weekly limit for earnings from work which may be undertaken by a person without his being treated as capable of work.

Regulation 5 makes a consequential revocation.

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 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 that section for prior reference to the Social Security Advisory Committee or the Industrial Injuries Advisory Council.

These Regulations do not impose a charge on business.