

2010 No. 311

SOCIAL SECURITY

**The Social Security (Miscellaneous Amendments No. 5)
Regulations (Northern Ireland) 2010**

Made - - - - *10th September 2010*

Coming into operation - *1st October 2010*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 30E(1), 167D and 171(1) and (4) 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 sections 3(2)(d), 17(3)(b) and 25(2)(a) of, and paragraph 10 of Schedule 2 to, the Welfare Reform Act (Northern Ireland) 2007(c).

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 5) Regulations (Northern Ireland) 2010 and shall come into operation on 1st October 2010.

Amendment of the Social Security (General Benefit) Regulations

2. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(d) (earnings level for the purpose of unemployability supplement) for “£4,836·00” substitute “£4,940·00”.

Amendment of the Social Security (Incapacity Benefit) Regulations

3. In regulation 7 of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(e) (limit of earnings from councillor’s allowance) for “£93·00” substitute “£95·00”.

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

4. In regulation 17(3) and (4) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(f) (exempt work) for “£93·00” substitute “£95·00”.

(a) 1992 c. 7; sections 30E and 167D were 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)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(b) See Article 8(b) of S.R. 1999 No. 481
(c) 2007 c. 2 (N.I.)
(d) S.R. 1984 No. 92; regulation 14 was amended by regulation 2 of S.R. 2009 No. 318
(e) S.R. 1994 No. 461; regulation 7 was amended by regulation 3 of S.R. 2009 No. 318
(f) S.R. 1995 No. 41; regulation 17 was substituted by regulation 2(4) of S.R. 2006 No. 150 and paragraphs (3) and (4) were amended by regulation 4 of S.R. 2009 No. 318

Amendment of the Employment and Support Allowance Regulations

5.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(a) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 45(3) and (4) (exempt work) for “£93·00” substitute “£95·00”.

(3) In regulation 76(1) (deductions for councillor’s allowance) for “£93·00” substitute “£95·00”.

(4) In paragraphs 5, 6 and 7(3)(b) of Schedule 7 (sums to be disregarded in the calculation of earnings) for “£93·00”, in each place where it occurs, substitute “£95·00”.

Revocations

6. The Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2009(b) are revoked.

Sealed with the Official Seal of the Department for Social Development on 10th September 2010

(L.S.)

Anne McCleary

A senior officer of the Department for Social Development

(a) S.R. 2008 No. 280; regulations 45 and 76 and paragraphs 5, 6 and 7(3)(b) of Schedule 7 were amended by regulation 5 of S.R. 2009 No. 318
(b) S.R. 2009 No. 318

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”), the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (“the Incapacity for Work Regulations”) and the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“the Employment and Support Allowance Regulations”).

Regulation 2 amends regulation 14 of the General Benefit Regulations to increase the prescribed amount of earnings in a year, for the purpose of paragraph 2(3) of Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (earnings level for unemployment supplement), from £4,836·00 to £4,940·00.

Regulation 3 amends regulation 7 of the Incapacity Benefit Regulations to increase the prescribed amount for the purposes of section 30E(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (limit of earnings from councillor’s allowance) from £93·00 to £95·00.

Regulation 4 amends regulation 17 of the Incapacity for Work Regulations to increase the exempt work earnings limits in paragraphs (3) and (4) from £93·00 to £95·00.

Regulation 5 amends regulation 45 of the Employment and Support Allowance Regulations to increase the exempt work limits in paragraphs (3) and (4) from £93·00 to £95·00, and amends regulation 76 to increase the amount of councillor’s allowance which can be received by a claimant before a deduction in the amount of employment and support allowance is made. It also amends Schedule 7 to increase the amount of earnings that can be disregarded when determining entitlement to income-related employment and support allowance.

Regulation 6 revokes the Social Security (Miscellaneous Amendments No. 3) Regulations (Northern Ireland) 2009.

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.

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