
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of different regulations relating to social security.

Regulation 2 amends the Social Security (Credits) Regulations (Northern Ireland) 1975 so as to omit a provision which no longer has any effect.

Regulations 3(4), 5, 8, 9(2), 10(2) and 11(22) amend the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the State Pension Credit Regulations (Northern Ireland) 2003 ("the State Pension Credit Regulations"), the Housing Benefit Regulations (Northern Ireland) 2006 ("the Housing Benefit Regulations"), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 ("the Housing Benefit SPC Regulations"), and the Employment and Support Allowance Regulations (Northern Ireland) 2008 ("the Employment and Support Allowance Regulations") respectively. The amendments update the categories of persons who are exempt from the habitual residence test to omit some obsolete categories and include a person who has been granted leave or who is deemed to have been granted leave, in certain circumstances, outside the rules made under section 3(2) of the Immigration Act 1971.

Regulation 4(2) amends the Claims and Payments Regulations (Northern Ireland) 1987 ("the Claims and Payments Regulations") and regulations 9(3) and 10(3) amend the Housing Benefit and the Housing Benefit SPC Regulations respectively to give a claimant more options about how to notify a change to their claim before it is determined. The changes allow a change to be made by telephone, in writing or by any other means that the Department may decide or accept, regardless of how the original claim was made.

Regulation 4(3) amends paragraph 4 of Schedule 8A to the Claims and Payments Regulations following the revocation of regulation 15(7) of the State Pension Credit Regulations. It omits references to that provision and substitutes an equivalent definition of the accommodation in respect of which costs may be paid by the Department directly to the person to whom those costs are payable.

Regulation 6 amends the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 to provide for part week payments of severe disability premium to employment and support allowance claimants who become resident or leave residence in a care home. This aligns the treatment of employment and support allowance claimants with that of income support and jobseeker's allowance claimants.

Regulation 7 amends the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000 so as to omit a provision for certain people not to be excluded from entitlement to income-related benefits under section 115 of the Immigration and Asylum Act who would otherwise be excluded. Regulation 3(2), (3) and (5) make amendments consequential to this.

Regulation 11 amends the Employment and Support Allowance Regulations in order to update and ensure clarity and consistency in the relevant regulations.

Regulation 12 makes consequential revocations.

In so far as these Regulations are required, for the purposes of regulations 9 and 10, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of that Act. Otherwise they 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 to, that Act, are not

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subject to the requirement of section 149(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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