
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact the provisions of the Social Security Benefits Up-rating Regulations (Northern Ireland) 2018 which would otherwise cease to have effect by virtue of section 51(3) of the Pensions Act (Northern Ireland) 2015. 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 to the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 provides that where a question has arisen about the effect of the Social Security Benefits Up-rating Order (Northern Ireland) 2018 (the “Up-rating Order”) on a benefit already in payment, the altered rates will not apply until that question is determined.

Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 and regulation 21 of the State Pension Regulations (Northern Ireland) 2015 so as to restrict the application of increases specified in the Up-rating Order in cases where the beneficiary is not ordinarily resident in Northern Ireland.

Regulation 4 raises from £230 to £235, and from £30 to £31, the earnings limit for child dependency increases payable with a carer’s allowance. These increases were abolished by sections 1(3)(e) and 60 of, and Schedule 6 to, the Tax Credits Act 2002 but are saved for transitional cases by virtue of Article 2 of the Tax Credits Act 2002 (Transitional Provisions and Savings) Order (Northern Ireland) 2003.

Regulation 5 increases from £24.25 to £25 the amount allowed for personal expenses for a person in certain accommodation, where that person’s benefit is paid to the accommodation provider.

Regulation 6 makes a consequential revocation.