
STATUTORY RULES OF NORTHERN IRELAND

2020 No. 41

SOCIAL SECURITY

**The Social Security Benefits Up-rating
Regulations (Northern Ireland) 2020**

Made - - - - *20th March 2020*

Coming into operation *6th April 2020*

Approved by resolution of the Assembly on 16th June 2020

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 70(8), 90, 113(1)(a) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (1), sections 5(1)(q), 135(3) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(2) and now vested in it(3) and sections 20(1) and 51(6) of the Pensions Act (Northern Ireland) 2015(4).

These Regulations contain provisions in consequence of an order under sections 132 and 132A of the Social Security Administration (Northern Ireland) Act 1992(5).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 2020 and shall come into operation on 6th April 2020.

(2) In these Regulations “the Up-rating Order” means the Social Security Benefits Up-rating Order (Northern Ireland) 2020(6).

(3) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to an Act of the Assembly.

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- (1) 1992 c. 7; section 90 was amended by paragraph 25 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), Article 2(2) of S.R. 2002 No. 321 and Schedule 6 to the Tax Credits Act 2002 (c. 21) (see also Article 2 of S.R. 2003 No. 212) and was repealed by Schedule 4 to the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)) subject to saving in section 14(2) of that Act, section 113(1) was amended by paragraph 92 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (2) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7)
- (3) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
- (4) 2015 c. 5 (N.I.)
- (5) Section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49), paragraph 9 of Schedule 4 to the Tax Credits Act 2002 (c. 21), section 3(1) and (2) of the Pensions Act (Northern Ireland) 2012 (c. 3 (N.I.)), regulation 2(2) of S.R. 2012 No. 120 and paragraph 55 of Schedule 13 to the Pension Act (Northern Ireland) 2015 (c. 5) and section 132A was inserted by section 5(1) of the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.))
- (6) S.R. 2020 No. 40
- (7) 1954 c. 33 (N.I.)

Status: Point in time view as at 22/06/2021.

Changes to legislation: There are currently no known outstanding effects for the The Social Security Benefits Up-rating Regulations (Northern Ireland) 2020. (See end of Document for details)

Commencement Information

I1 Reg. 1 in operation at 6.4.2020, see [reg. 1\(1\)](#)

Exceptions relating to payment of additional benefit by virtue of the Up-rating Order

^{F1}**2.**

Textual Amendments

F1 [Reg. 2](#) revoked (22.6.2021) by [The Social Security Benefits Up-rating Regulations \(Northern Ireland\) 2021 \(S.R. 2021/83\)](#), art. 1, [reg. 6](#)

Persons not ordinarily resident in Northern Ireland

^{F2}**3.**

Textual Amendments

F2 [Reg. 3](#) revoked (22.6.2021) by [The Social Security Benefits Up-rating Regulations \(Northern Ireland\) 2021 \(S.R. 2021/83\)](#), art. 1, [reg. 6](#)

Amendment of the Social Security (Invalid Care Allowance) Regulations

4. In regulation 8(1) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(**8**) (circumstances in which a person is or is not to be treated as gainfully employed) for “£123” substitute “£128”.

Commencement Information

I2 Reg. 4 in operation at 6.4.2020, see [reg. 1\(1\)](#)

Amendment of the Social Security Benefit (Dependency) Regulations

5. In paragraph 2B of Schedule 2 to the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(**9**) (increase of carer’s allowance for child dependants)—

- (a) for “£240”, in both places, substitute “£245”; and
- (b) for “£32” substitute “£33”.

Commencement Information

I3 Reg. 5 in operation at 6.4.2020, see [reg. 1\(1\)](#)

(8) [S.R. 1976 No. 99](#); regulation 8(1) was amended by regulation 2(7)(a) of [S.R. 1996 No. 521](#), regulation 2(b) of [S.R. 2001 No. 117](#), paragraph 1 of the Schedule to [S.R. 2002 No. 323](#) and regulation 4 of [S.R. 2019 No. 189](#)

(9) [S.R. 1977 No. 74](#); paragraph 2B was inserted by regulation 3(c) of [S.R. 1984 No. 382](#) and amended by paragraph 1(c) of the Schedule to [S.R. 2002 No. 323](#) and regulation 5 of [S.R. 2019 No. 189](#)

Amendment of the Social Security (Claims and Payments) Regulations

^{F3}6.

Textual Amendments

F3 Reg. 6 revoked (22.6.2021) by The Social Security Benefits Up-rating Regulations (Northern Ireland) 2021 (S.R. 2021/83), art. 1, **reg. 6**

Revocation

7. The Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 2019(**10**).

Commencement Information

I4 Reg. 7 in operation at 6.4.2020, see **reg. 1(1)**

Sealed with the Official Seal of the Department for Communities on 20th March 2020

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

Status: Point in time view as at 22/06/2021.

Changes to legislation: There are currently no known outstanding effects for the The Social Security Benefits Up-rating Regulations (Northern Ireland) 2020. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions necessary to give full effect to the 2020 Up-rating and are consequential on the Social Security Benefits Up-rating Order (Northern Ireland) 2020 (the “Up-rating Order”).

Regulation 2 provides that where a question has arisen about the effect of 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 increases from £123 to £128 the amount which a person eligible for payment of Carer’s Allowance can earn in the immediately preceding week without being deemed to be gainfully employed and, therefore, losing their entitlement to Carer’s Allowance. The Social Security (Carer’s Allowance) (Amendment) Regulations (Northern Ireland) 2002 replace references to “Invalid Care Allowance” with references to “Carer’s Allowance” in certain legislative provisions, but “Invalid Care Allowance” remains part of the title of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) for statutory purposes.

Regulation 5 raises from £240 to £245, and from £32 to £33, 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 6 increases from £25.60 to £26.05 the amount allowed for personal expenses for a person in certain accommodation, where that person’s benefit is paid to the accommodation provider.

Regulation 7 revokes the Social Security Benefits Up-rating (No. 2) Regulations (Northern Ireland) 2019.

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.

Status:

Point in time view as at 22/06/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security Benefits Up-rating Regulations (Northern Ireland) 2020.