
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.