EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY BENEFITS UP-RATING REGULATIONS (NORTHERN IRELAND) 2012

S.R. 2012 No. 117

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 90, 113(1)(a) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and sections 5(1)(q), 135(3) and 165(1) and (4) of the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1 These Regulations contain only provisions in consequence of the Social Security Benefits Up-rating Order (Northern Ireland) 2012 ("the Up-rating Order") and are one of a series of statutory rules relating to the annual up-rating of social security benefits and pensions.

2.2 Regulation 1 provides for the title, commencement and interpretation.

2.3 Regulation 2 provides that where a question has arisen about the effect of the Up-rating on a benefit already in payment the altered rate will not apply until that question is determined in accordance with the provisions of the Social Security (Northern Ireland) Order 1998 to avoid incorrect payments of benefit where the increase or decrease is not payable, either in part or in full.

2.4 Regulation 3 applies the provisions of regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 so as to restrict the application of the increases specified in the Up-rating Order in cases where the beneficiary lives abroad.

2.5 Regulation 4 increases from £205 to £215 and £27 to £28 the earnings limits for child dependency increases payable with a carer's allowance.

2.6 Regulation 5 increases from £22·60 to £23·25 the amount allowed for personal expenses where a person is in accommodation for which part of his benefit is paid direct to the person to whom charges in respect of that accommodation are payable.

2.7 Regulation 6 makes a consequential revocation.

3. Consultation

3.1 Consultation with the Social Security Advisory Committee regarding these Regulations is not required.

4. Equality Impact

4.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise and concluded that as these Regulations are consequential on the Up-rating Order they do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

5. Regulatory Impact

5.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

6. Financial Implications

6.1 The impact on the public sector is to add to programme expenditure but no additional administration costs will be incurred. The total cost of the 2011 up-rating is expected to increase the Department's annually managed expenditure by approximately £265 million.

7. Section 24 of the Northern Ireland act 1998

7.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

(a) is not incompatible with any of the Convention rights,

(b) is not incompatible with Community law,

(c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and

(d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

8. EU Implications

8.1 Not applicable.

9. Parity or Replicatory Measure

9.1 The corresponding Great Britain Regulations are the Social Security Benefits Up-rating Regulations 2012. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.