EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (CLAIMS AND PAYMENTS) (AMENDMENT No. 2) REGULATIONS (NORTHERN IRELAND) 2010

S.R. 2010 No. 337

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 1(1), 5(1)(a) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1 These Regulations make provision so that a person will not need to make a claim for a Category A or B retirement pension where they have received a notification from the Department that no claim is required, except where the person defers entitlement to such a pension or elects to be treated as having not retired.

2.2 They also extend the number of benefits for which a claim can be made by telephone as well as in writing to include bereavement benefits, widowed parent's allowance, bereavement allowance and social fund funeral payments. The aim is to align the way claims for social fund funeral payments and bereavement benefits are accepted with, for example, state pension and pension credit.

3. Consultation

3.1 As the 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 consultation with the Social Security Advisory Committee 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 on proposals for these Regulations and concluded that, as they make minor or technical amendments, they do not have significant implications for equality of opportunity. In light of this, the Department considered 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 Regulations do not have any financial implications.

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 (Claims and Payments) Amendment (No. 3) Regulations 2010 (S.I. 2010/1676) and the Social Security (Exemption from Claiming Retirement Pension) Regulations 2010 (S.I. 2010/1794).