STATUTORY RULES OF NORTHERN IRELAND

2002 No. 276

SOCIAL SECURITY

The Social Security (Incapacity) (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2002

Made - - - - - 6th September 2002

Coming into operation in accordance with regulation 1

The Department for Social Development, in exercise of the powers conferred by sections 30A(6), 30E, 167D(2) and 171(1) to (4) of, and paragraph 2(3) of Schedule 7 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**), and now vested in it(**b**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Incapacity) (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2002 and shall come into operation –

(a) except for the purposes of regulation 3(3), on 1st October 2002; and

(b) for the purposes of regulation 3(3), on 1st January 2003.

Amendment of the Social Security (General Benefit) Regulations

2. In regulation 14 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**c**) (earnings level for the purpose of unemployability supplement) for "£3,432·00" there shall be substituted "£3,510·00".

Amendment of the Social Security (Incapacity Benefit) Regulations

3.—(1) The Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**d**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 7(**e**) (limit of earnings from councillor's allowance) for "£66·00" there shall be substituted "£67·50".

(3) In regulation 17(4)(**f**) (circumstances in which a previous claimant who does not satisfy the age condition becomes entitled) –

(a) sub-paragraph (c) shall be omitted; and

(**a**) 1992 c. 7; section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)), sections 30E and 167D were respectively inserted by Articles 5(1) and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and section 171(2) was amended by paragraph 28(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**b**) *See* Article 8(b) of S.R. 1999 No. 481

(**c**) S.R. 1984 No. 92; relevant amending regulations are S.R. 2001 No. 316

(**d**) S.R. 1994 No. 461

(**e**) Regulation 7 was amended by S.R. 2001 No. 316

(**f**) Regulation 17 was added by regulation 2(5) of S.R. 2000 No. 404

(b) for sub-paragraph (d) there shall be substituted the following sub-paragraph –

"(d) who made his claim for benefit on a day not later than 3 months from the end of the period of 196 days described in sub-paragraph (b).".

Amendment of the Social Security (Incapacity for Work) (General) Regulations

4. In regulation 17(2)(a) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**a**) (exempt work) for "£66·00" there shall be substituted "£67·50".

Revocations

5. Regulations 2, 3(3), 4 and 5 of the Social Security (Incapacity Benefit) (Miscellaneous Amendments) Regulations (Northern Ireland) 2001(**b**) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 6th September 2002.

(L.S.) *John O'Neill*

Senior Officer of the Department for Social Development

(**a**) S.R. 1995 No. 41; relevant amending regulations are S.R. 2001 No. 316 and S.R. 2002 No. 86
(**b**) S.R. 2001 No. 316

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Social Security (General Benefit) Regulations (Northern Ireland) 1984 ("the General Benefit Regulations"), the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994 ("the Incapacity Benefit Regulations") and the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 ("the Incapacity for Work Regulations"). Increases in amounts are consequential upon the increase in the national minimum wage which takes effect from 1st October 2002.

Regulation 2 amends regulation 14 of the General Benefit Regulations by increasing from £3,432 to £3,510 the amount which can be earned before disqualification from unemployability supplement.

Regulation 3 amends regulation 7 of the Incapacity Benefit Regulations by increasing the earnings limit for councillor's allowance from £66 to £67·50. It also amends regulation 17 to allow a person who was previously entitled to incapacity benefit in youth to become entitled again after returning from an unlimited absence abroad.

Regulation 4 amends regulation 17 of the Incapacity for Work Regulations by increasing from £66 to £67·50 the weekly limit for earnings from work which may be undertaken by a person without his being treated as being capable of work.

These Regulations correspond 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 and paragraph 7 of Schedule 5A to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of subsection (2) or, as the case may be, (2A) of section 149 of that Act for prior reference to the Social Security Advisory Committee or the Industrial Injuries Advisory Council.

These Regulations do not impose a charge on business.

£1·75

Published by The Stationery Office Limited

ISBN 0-337-94349-4

9 780337 943492

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N637. C3. 9/02. Gp. 130. 14567.