EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (INDUSTRIAL INJURIES) (DEPENDENCY) (PERMITTED EARNINGS LIMITS) ORDER (NORTHERN IRELAND) 2011

S.R. 2011 No. 121

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 paragraph 4(5) of Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1 This Order, one of a series of statutory rules relating to the annual up-rating of social security benefits and pensions, amends Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992 to increase the amounts a spouse or partner is permitted to earn without the earnings affecting an increase payable for a dependent child or qualifying young person, in respect of industrial injuries disablement benefit with unemployability supplement.

3. Background

3.1 Paragraph 4 of Schedule 7 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992, provides for an increase in the weekly rate of a disablement pension where the beneficiary is entitled to unemployability supplement for any period during which the beneficiary is in receipt of child benefit for a child or qualifying young person. The increase is payable subject to permitted earnings limits set out in sub-paragraph (4) of that paragraph, currently £200 and £26 increasing to £205 and £27 respectively.

3.2 Unemployability Supplement is paid with Industrial Injuries Disablement Benefit where a person is incapable of any work as a result of their accident or disease and is likely to be permanently incapable of any work. In addition to personal benefit, a person in receipt of Unemployability Supplement can also receive an increase for any children or qualifying young persons.

4. Consultation

4.1 There is no requirement to consult in relation to this Order.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on these legislative proposals and has concluded that that this Order does 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

6.1 This Order does not require a Regulatory Impact Assessment as they do not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

7.1 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 annual managed expenditure by approximately £183 million.

8. Section 24 of the Northern Ireland act 1998

8.1 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.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The corresponding Great Britain Order is Social Security (Industrial Injuries) (Dependency) (Permitted Earnings Limits) Order 2011 and comes into force on 13th April 2011. 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.