EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (MISCELLANEOUS AMENDMENTS NO. 2) REGULATIONS (NORTHERN IRELAND) 2014

S.R. 2014 No. 275

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 powers conferred by the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Jobseekers (Northern Ireland) Order 1995, the State Pension Credit Act (Northern Ireland) 2002 and the Welfare Reform Act (Northern Ireland) 2007 and is subject to the negative resolution procedure.

2. Purpose

2.1 The Statutory Rule makes miscellaneous amendments and minor changes to the Regulations relating to income-related benefits. These amendments will correct and update existing legislative provisions with the intention of maintaining, clarifying or restoring their original policy intention.

2.2 This Statutory Rule will amend the following Income-related Benefit Regulations:

- the Income Support (General) Regulations (Northern Ireland) 1987;
- the Jobseeker's Allowance Regulations (Northern Ireland) 1996;
- the State Pension Credit Regulations (Northern Ireland) 2003;
- the Housing Benefit Regulations (Northern Ireland) 2006;
- the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006; and
- the Employment and Support Allowance Regulations (Northern Ireland) 2008.

3. Background

3.1 Blindness is a qualifying condition for various premiums and additions to the applicable amounts associated with the Income-related benefits listed at paragraph 2.2 above. To be regarded as blind for these purposes a person must be registered as blind in a register maintained by or on behalf of a Health and Social Services Board (HSSB) constituted under the Health and Personal Social Services (Northern Ireland) Order 1972.

3.2 However, this registration condition is defective and these regulations amend the current references to “registered as blind” in each of the Income-related benefits to replace them with a concept of blindness based on a person having been certified as severely sight impaired or blind by a consultant ophthalmologist. By doing this we are retaining the policy intent and bringing the definition into line with how “blindness” is determined in practice.

4. Consultation

4.1 The Social Security Advisory Committee was consulted and agreed that it did not require the proposals for these Regulations to be formally referred.

5. Equality Impact

5.1 The changes proposed do not provide a new benefit or service but correct, clarify, align and update various pieces of social security legislation.

5.2 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 the proposals do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose any new costs on business, charities or voluntary bodies.

7. Financial Implications

7.1 There are no significant costs to the Department to implement these proposals.

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 Equivalent legislative provisions for Great Britain are contained in the Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888).

10.2 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.