
STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 4

Other benefit changes

Industrial injuries benefit

Injuries arising before 5th July 1948

70.—(1) In Part 5 of the Contributions and Benefits Act (industrial injuries benefit), the following provisions are repealed—

- (a) in section 94(1), the words “after 4th July 1948”;
- (b) in section 103(2)(a), the words “after 4th July 1948”;
- (c) in section 108(1), the words “and which developed after 4th July 1948”;
- (d) in section 108(3), the words “but not before 5th July 1948”;
- (e) in section 109(5)(a), the words “after 4th July 1948”;
- (f) in section 109(5)(b) and (6)(a), the words “and developed after 4th July 1948”.

(2) Accordingly, section 111 of, and Schedule 8 to, that Act (which relate to compensation and benefits in respect of industrial injuries before 5th July 1948) are repealed.

(3) The Department may make regulations subject to negative resolution—

- (a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this Article, compensation or benefits were payable under section 111 of, and Schedule 8 to, the Contributions and Benefits Act;
- (b) for claims for the payment of such compensation or benefit to be treated as claims for industrial injuries benefit.

(4) In paragraph (3) “industrial injuries benefit” has the meaning given by section 121(1) of the Contributions and Benefits Act.

Persons under 18

71.—(1) In Schedule 4 to the Contributions and Benefits Act (rates of benefits), Part 5 (rates of industrial injuries benefit) is amended as follows.

(2) In entry 1 (which relates to disablement pension (weekly rates)), in the second column (“Rate”)—

- (a) in the opening words, for the words from “in that Table” to the end of paragraph (b) substitute “in column (2) of that Table.”;
- (b) in the Table, column (3) is repealed.

(3) In entry 4 (which relates to the maximum of aggregate of weekly benefit payable for successive accidents), in the second column (“Rate”)—

- (a) paragraph (a) is repealed, except for the monetary amount specified;
- (b) paragraph (b) is repealed, including the monetary amount specified.

Trainees

72.—(1) After section 95 of the Contributions and Benefits Act insert—

“Employment training schemes etc.

95A.—(1) In the industrial injuries and diseases provisions any reference to employed earner’s employment shall be taken to include participation in an employment training scheme or employment training course of a prescribed description (and “employed earner” shall be construed accordingly).

(2) In those provisions, a reference to an employer, in relation to any such participation, shall be taken to be a prescribed person.

(3) In this section “industrial injuries and diseases provisions” has the same meaning as in section 95(4) above.”

(2) In Article 33(1) of the Industrial Training (Northern Ireland) Order 1984 (power to make payments in respect of trainees equivalent to social security benefits payable in respect of employees), after “in pursuance of” insert “Parts 2 to 4 of”.

(3) The Department may make regulations subject to negative resolution—

- (a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this Article, payments were payable under Article 33(1) of the Industrial Training (Northern Ireland) Order 1984;
- (b) for claims for such payments to be treated as claims for industrial injuries benefit.

(4) In paragraph (3) “industrial injuries benefit” has the meaning given by section 121(1) of the Contributions and Benefits Act.

Restriction on new claims for industrial death benefit

73. In Part 6 of Schedule 7 to the Contributions and Benefits Act (industrial death benefit), in paragraph 14, after sub-paragraph (1) insert—

“(1A) No claim may be made for industrial death benefit after the coming into operation of this sub-paragraph.”

Determinations

74.—(1) Article 29(2) of the Social Security (Northern Ireland) Order 1998 (which provides for decisions as to whether an accident is an industrial accident in the absence of a claim for benefit) is repealed.

(2) In Article 30 of that Order (effect of decision), in paragraph (1), the words from “(given” to “otherwise)” are repealed.

Housing benefit

Housing benefit: determination of appropriate maximum

75.—(1) Section 129A of the Contributions and Benefits Act (appropriate maximum housing benefit) is amended as follows.

(2) In subsection (3), for “The regulations may provide” substitute “The provision which may be made by the regulations includes provision”.

(3) For subsections (4) and (5) substitute—

“(4) The regulations may, for the purpose of determining the AMHB, provide for the amount of the liability mentioned in section 129(1)(a) above to be taken to be an amount other than the actual amount of that liability (and, without prejudice to the generality of this subsection, may provide for it to be taken to be the amount of an Executive determination).

(5) The regulations may, for that purpose, make provision for determining the amount of liability under section 129(1)(a) above which a person is treated as having by virtue of regulations under section 133(2)(j) below (and, without prejudice to the generality of this subsection, may provide for that amount to be the amount of an Executive determination).”

Social fund

Ending of discretionary payments

76.—(1) Section 134(1)(b) of the Contributions and Benefits Act (discretionary payments out of social fund) is repealed.

(2) In consequence of the provision made by paragraph (1), the office of the social fund Commissioner is abolished.

(3) Payments are to be made out of the social fund into the Consolidated Fund in respect of—

(a) amounts allocated under section 147 of the Administration Act to the making of such payments as are mentioned in section 134(1)(b) but which are not so applied in consequence of paragraph (1);

(b) sums relating to such payments as are mentioned in section 134(1)(b) that are paid into the social fund under section 144 of the Administration Act.

(4) The payments are to be such as the Department determines in accordance with any directions of the Department of Finance and Personnel to be appropriate.

(5) Paragraph (3) is not to prevent the Department from re-allocating amounts allocated under section 147(1) of the Administration Act.

(6) The Department may by order subject to negative resolution provide for the transfer of property, rights and liabilities from the social fund Commissioner.

(7) An order under this Article may—

(a) provide for the transfer of property, rights and liabilities whether or not they would otherwise be capable of being transferred;

(b) make such supplementary, incidental, consequential or transitional provision as the Department considers appropriate.

(8) Schedule 8 contains consequential amendments.

Purposes of discretionary payments

77. In section 134 of the Contributions and Benefits Act (payments out of the social fund), in subsection (1)(b), for “to meet other needs” substitute—

“to meet—

- (i) other needs, and
- (ii) in the case of payments by way of budgeting loan, those needs for which provision is made by paragraph (a).”.

Determination of amount or value of budgeting loan

78.—(1) Section 136 of the Contributions and Benefits Act (principles of determination) is amended as follows.

(2) In subsection (4), after paragraph (d) insert—

“(da) that the amount or value of a budgeting loan is not to exceed a sum specified or determined as specified in the direction;”.

(3) After subsection (4) insert—

“(4ZA) A direction under subsection (4)(da) may require the sum to be determined by applying, or by a method that includes applying, a multiplier specified in the direction in circumstances specified in the direction to the most recent relevant sum published by the Department.

(4ZB) A relevant sum is a sum determined from time to time by reference to so much of any relevant allocation under section 147(1) to (4) of the Administration Act as is available for making payments.”

Community care grants

79. Sections 15 to 17 of the Welfare Reform Act (Northern Ireland) 2010 (provisions relating to community care grants), which have not been brought into operation, are repealed.

*State pension credit***State pension credit: carers**

80.—(1) The State Pension Credit Act (Northern Ireland) 2002 is amended as follows.

(2) In section 2 (guarantee credit), in subsection (8), for paragraphs (a) and (b) substitute—

- “(a) the claimant has regular and substantial caring responsibilities, or
- (b) the claimant is a member of a couple the other member of which has such responsibilities.”.

(3) In section 17 (interpretation), in subsection (1), in the appropriate place insert—

““regular and substantial caring responsibilities” has such meaning as may be prescribed;”.

State pension credit: capital limit

81.—(1) In section 1 of the State Pension Credit Act (Northern Ireland) 2002 (entitlement), in subsection (2)—

- (a) in paragraph (b), the final “and” is repealed;
- (b) at the end insert—

“and

(d) his capital does not exceed a prescribed amount.”

(2) In section 19 of that Act (regulations and orders), in subsection (4), before paragraph (a) insert—

“(za) section 1(2)(d);”.