



# Northern Ireland Assembly

## COMMITTEE FOR COMMUNITIES

### MINUTES OF PROCEEDINGS

**Thursday 30 January 2020**  
**Room 29 Parliament Buildings**

Present: Paula Bradley MLA (Chairperson)  
Kellie Armstrong MLA (Deputy Chairperson)  
Andy Allen MLA  
Jonathan Buckley MLA  
Mark Durkan MLA  
Sinead Ennis MLA  
Carál Ní Chuilín MLA  
Robin Newton MBE MLA  
Emma Sheerin MLA

In Attendance: Kevin Pelan (Assembly Clerk)  
Sean McCann (Assistant Assembly Clerk)  
Antoinette Bowen (Clerical Supervisor)  
Oliver Bellew (Clerical Officer)

Apologies:

*The meeting commenced in open session at 10:03a.m.*

#### **1. Apologies**

There were no apologies to record.

## **2. Draft Minutes**

*Agreed:* The Committee agreed the minutes of the meeting held on Thursday 23 January 2020.

## **3. Matters Arising**

The Chairperson advised members that she and the Deputy Chair met informally with the Minister on Monday 27 January and discussed a range of issues during the meeting.

Mr Buckley requested that the Committee receive a copy of the department's First Day Brief.

*Agreed:* The Committee agreed to write to the department requesting a copy of the department's First Day Brief.

Mr Allen requested an update on the Sub – Regional Stadia Programme for Soccer.

*Agreed:* The Committee agreed to write to the department requesting an update on the Sub – Regional Stadia Programme for Soccer.

## **4. Correspondence**

The Chairperson drew members' attention to items of correspondence that made specific requests of the Chairperson and Committee.

*Agreed:* The Committee agreed the course of action as proposed by the Chairperson to address this correspondence.

*Agreed:* The Committee agreed to action all other correspondence as outlined on the correspondence memo.

## **5. Consideration of Statutory Rules**

The following departmental officials joined the meeting at 10:07a.m.

Ms Jane Corderoy  
Ms Janis Creane

The officials briefed the Committee and answered members questions on Statutory Rules related to Social Security up-rating packages 2019 (Order, Regulations and Mesothelioma).

### **SR 2019/188: The Social Security Benefits Up-rating (No.2) Order (NI) 2019**

The Committee considered SR 2019/188: The Social Security Benefits Up-rating (No.2) Order (NI) 2019 which relates to the annual up-rating of social security benefits and provides for the rates of certain social security benefits, pensions and allowances in place from April 2019 to continue in force.

*Agreed:* The Committee considered SR 2019/188: The Social Security Benefits Up-rating (No.2) Order (NI) 2019 and recommended that it be approved by the Assembly.

### **SR 2019/189 The Social Security Benefits Up-rating (No.2) Regulations (NI) 2019**

The Committee considered SR 2019/189: The Social Security Benefits Up-rating (No.2) Regulations (NI) 2019 which contain provisions in consequence of the Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 2019 (“the Up-rating Order”) and are one of a series of statutory rules relating to the annual up-rating of social security benefits and pensions.

*Agreed:* The Committee considered SR 2019/189: The Social Security Benefits Up-rating (No.2) Regulations (NI) 2019 and recommended that it be approved by the Assembly.

### **SR 2019/187: The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment No.2) Regulations (NI) 2019**

The Committee considered SR 2019/187: The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment No.2) Regulations (NI) 2019 which relate to the annual up-rating of social security benefits and pensions, to increase amounts payable by 2.4% in line with the increase in Industrial Injuries Benefit.

*Agreed:* The Committee considered SR 2019/187: The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment No.2) Regulations (NI) 2019 and recommended that it be approved by the Assembly.

### **SR 2017/218: The Social Security (Miscellaneous Amendments No.2) Regulations (NI) 2017**

The Committee considered SR 2017/218 The Social Security (Miscellaneous Amendments No.2) Regulations (NI) 2017, which would make amendments to several sets of Regulations to make minor corrections or clarify the existing regulations to ensure the legislation reflects current practice and policy intent.

*Agreed:* The Committee considered SR 2017/218: The Social Security (Miscellaneous Amendments No.2) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

*Kellie Armstrong left the meeting a 10.26a.m.*

**SR 2019/204: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (NI) 2019**

The Committee considered SR 2019/204: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (NI) 2019 which adds Dupuytren's contracture (ten years or more in aggregate which involves the use of hand-held power tools) to the list of diseases for which Industrial Injuries Disablement Benefit is payable.

*Agreed:* The Committee considered SR 2019/204: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/151: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2018**

The Committee considered SR 2018/151: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2018 which amend the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations (NI) 1986 which prescribe diseases for which industrial injuries disablement benefit is payable.

*Agreed:* The Committee considered SR 2018/151: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2017/45: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2017**

The Committee considered SR 2017/45: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2017 which makes amendments to ensure the scheme reflects current scientific knowledge. They introduce extrinsic allergic alveolitis to the list of prescribed diseases and make amendments to existing (leukaemia, extrinsic allergic alveolitis and diffuse pleural thickening).

*Agreed:* The Committee considered SR 2017/45: The Social Security (Industrial Injuries) (Prescribed Diseases) (Amendment) Regulations (Northern Ireland) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

The following departmental officials joined the meeting at 10:30a.m.

Mr John Noble

Mr Paul McKenna

The officials briefed the Committee and answered members questions on Statutory Rules related to Social Security claims and payments and fines.

**SR 2017/49: The Social Security (Claims and Payments) (Amendment) Regulations (NI) 2017**

The Committee considered SR 2017/49: The Social Security (Claims and Payments) (Amendment) Regulations (NI) 2017 which would decrease from 44p to 39p, the fee which qualifying lenders pay for the purpose of defraying administrative expenses incurred by the department in making payments in respect of mortgage interest direct to lenders.

*Agreed:* The Committee considered SR 2017/49 The Social Security (Claims and Payments) (Amendment) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/172: The Social Security (Claims and Payments) (Amendment) Regulations (NI) 2018**

The Committee considered SR 2018/172: The Social Security (Claims and Payments) (Amendment) Regulations (NI) 2018 which would extend the maximum time limit for making a claim for a Sure Start Maternity Grant from 3 Months to 6 months.

*Agreed:* The Committee considered SR 2018/172: The Social Security (Claims and Payments) (Amendment) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/98: The Social Security (Fines) (Deductions from Benefits) Regulations (NI) 2018**

The Committee considered SR 2018/98 The Social Security (Fines) (Deductions from Benefits) Regulations (NI) 2018, which would provide for deductions to be made from certain social security benefits where a fine or compensation order has been imposed upon a person (the debtor) by a court to meet the sums due in respect of such fines and compensation orders.

The Committee raised a number of concerns with the rule.

*Agreed:* The Committee agreed to write to the department on the following:

- The Committee noted that fines can be recouped via deductions from benefits, but is concerned that such deductions from a benefit will have a wider negative impact than the individual debtor. Specifically, where the debtor is the main recipient of benefits in a family e.g. father or mother, the likely

impact of a reduction of that individual's benefits will impact on the wider family due to an overall reduction in family income.

- The Committee sought clarification on what provisions are in place to ensure that in a situation as described above, other members of the family are not also, in effect, punished as a result of the actions of one individual.
- The Committee noted that universal credit will 'in due course' also become a relevant benefit upon amendment of the Justice Act. However, as it is not yet included as a relevant benefit under section 14(3) of the Justice Act the Committee is concerned that introduction of this statutory rule will mean the establishment of an unequal system in respect of deductions from benefits for the purposes of payment of fines. In this scenario, debtors in receipt of income support, jobseekers' allowance, state pension credit or employment and support allowance could have deductions made from their benefits whereas deductions cannot be made from those in receipt of universal credit. The Committee sought the department's views on this apparent inconsistency and reassurance that the proposed statutory rule will not create inequalities for claimants in respect of deductions from benefits.
- The Committee queried whether powers transferred to Westminster relating to welfare reform have been returned to the devolved institutions in Northern Ireland. The Committee has, for example, noted that a number of commencement orders have been made by the Secretary of State for Work and Pensions under the auspices of the Welfare Reform (Northern Ireland) Order 2015.
- The Committee also queried if powers have not yet been transferred back to the institutions, when are these expected to be transferred and under what legislative process.

*Agreed:* The Committee agreed that it would defer a decision on this statutory rule until it had received a response from the department to its queries.

### **SR 2017/55: The Social Fund (Amendment) Regulations (NI) 2017**

The Committee considered SR 2017/55: The Social Fund (Amendment) Regulations (NI) 2017, which would make changes to the Social Fund (Cold Weather Payments) (General) Regulations (NI) 1988 and the Social Fund Maternity and Funeral Expenses (General) Regulations (NI) 2015, to minimise the effect of the changes to Child Tax Credits on Social Fund claimants, and to the department to vary weather station designations relevant to cold weather payments without the need for new legislation when a variation is required.

*Agreed:* The Committee considered SR 2017/55: The Social Fund (Amendment) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/192: The Social Fund and Income-Related Benefits (Miscellaneous Amendments and Savings) Regulations (NI) 2018**

The Committee considered SR 2018/192: The Social Fund and Income-Related Benefits (Miscellaneous Amendments and Savings) Regulations (NI) 2018, which would amend social security legislation as a consequence of Early Years Assistance, which is being introduced by the Social Security (Scotland) Act 2018. The amendments would ensure only claimants who live in NI are eligible for Sure Start Maternity Grant; and recipients of Early Years Assistance who move from Scotland to NI are not eligible for the Sure Start Maternity Grant.

*Agreed:* The Committee considered SR 2018/192: The Social Fund and Income-Related Benefits (Miscellaneous Amendments and Savings) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/45: The Social Fund Funeral Expenses (Amendment) Regulations (NI) 2018**

The Committee considered SR 2018/45: The Social Fund Funeral Expenses (Amendment) Regulations (NI) 2018, which would make amendments to the provisions relating to Funeral Expenses Payments from the Social Fund.

*Agreed:* The Committee considered SR 2018/45: The Social Fund Funeral Expenses (Amendment) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

Members raised a number of concerns in relation to SR 2018/45: The Social Fund Funeral Expenses (Amendment) Regulations (Northern Ireland) 2018

*Agreed:* The Committee therefore agreed to write to the department and seek clarification on the following:

- the process by which the department determines eligibility for funeral costs to be awarded;
- for how long the funeral expenses payment has been £700;
- whether the reference to ‘transport of the deceased’s body’ also includes the transport of ashes of the deceased; and
- in the case where the deceased has no relatives, who can apply on their behalf.

The following departmental officials joined the meeting at 11:02a.m.

Ms Una McConnell  
Ms Rosemary Hughes

The officials briefed the Committee and answered members' questions on a Statutory Rule related to Pension Credit.

**SR 2018/135: The State Pension Credit (Additional Amount for Child or Qualifying Young Person) (Amendment) Regulations (NI) 2018**

The Committee considered SR 2018/135: The State Pension Credit (Additional Amount for Child or Qualifying Young Person) (Amendment) Regulations (NI) 2018 which would support low income pensioners with responsibility for children currently provided through Child Tax Credit which is being abolished. The Regulations ensure support continues by introducing a new additional amount within Pension Credit.

*Agreed:* The Committee considered SR 2018/135: The State Pension Credit (Additional Amount for Child or Qualifying Young Person) (Amendment) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

The officials briefed the Committee and answered members' questions on a Statutory Rule related to Miscellaneous Amendments to Income Support, State Pension Credit and Housing benefit.

**SR 2017/242: The Social Security (Miscellaneous Amendments No.3) Regulations (NI) 2017**

The Committee considered SR 2017/242: The Social Security (Miscellaneous Amendments No.3) Regulations (NI) 2017, which makes consequential amendments to certain social security Regulations so that references to the current differences in qualifying ages for state pension for men and women are removed or replaced with more general terms. These amendments also future-proof the legislation in question against any future changes to state pension qualifying age therefore avoiding the requirement for any future amendments.

*Agreed:* The Committee considered SR 2017/242: The Social Security (Miscellaneous Amendments No.3) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

The officials briefed the Committee and answered members' questions on Statutory Rule related to Income related benefits disregards.

**SR 2017/205: The Social Security (Emergency Funds) (Amendment) Regulations (NI) 2017**

The Committee considered SR 2017/205: The Social Security (Emergency Funds) (Amendment) Regulations (NI) 2017 which would amend current references in



qualifying ages for state pension for men and women by either removal or replacement with more general terms.

The rule also makes amendment to the Income Support (General) Regulations (NI) 1987 to ensure those people with severe conditions (since 2009) don't lose their entitlement moving from Disability Living Allowance (DLA) to Personal Independence Payment (PIP).

The rule also makes amendments to the Housing Benefit Regulations (NI) 2006 (attained qualifying age for state pension credit) to correct an error in the drafting of a provision which provides an increased earnings disregard for allowable child care charges; and to add a requirement that claimants report an absence of 4 weeks or more outside NI to the department.

*Agreed:* The Committee considered SR 2017/205: The Social Security (Emergency Funds) (Amendment) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

#### **SR 2017/62: The Social Security (Income-related Benefits) (Amendment) Regulations (NI) 2017**

The Committee considered SR 2017/62: The Social Security (Income-related Benefits) (Amendment) Regulations (NI) 2017 which would amend the disregard of income other than earnings in those income-related benefits Regulations, where that income is a payment made by a government to victims of National Socialist persecution so that the same disregard is applied in all cases.

*Agreed:* The Committee considered SR 2017/62: The Social Security (Income-related Benefits) (Amendment) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

#### **SR 2019/23: The Social Security (Income related Benefits) (Amendment) Regulations (NI) 2019**

The Committee considered SR 2019/23: The Social Security (Income related Benefits) (Amendment) Regulations (NI) 2019 which would amend a number of social security related Statutory Rules to apply a disregard in respect of a carer's allowance supplement paid to a claimant by the Scottish Government.

*Agreed:* The Committee considered SR 2019/23: The Social Security (Income related Benefits) (Amendment) Regulations (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**2017/219: The Social Security (Infected Blood and Thalidomide) Regulations (Northern Ireland) 2017**

The Committee considered 2017/219: The Social Security (Infected Blood and Thalidomide) Regulations (Northern Ireland) 2017 which would amend a variety of social security legislation relating to certain income-related benefits to provide for an income and capital disregard in respect of payments made by the new Scottish Infected Blood support Scheme, the Infected Blood Payment Scheme for Northern Ireland, the Thalidomide Scheme and any other Scheme which is approved by the Secretary of State. The rule also exempts payments from the new Scottish Infected Blood Support Scheme, the Infected Blood Payment Scheme for Northern Ireland, The Thalidomide Scheme and any other Scheme approved by the Secretary of State from the department's compensation recovery scheme.

*Agreed:* The Committee considered 2017/219: The Social Security (Infected Blood and Thalidomide) Regulations (Northern Ireland) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/149: The Social Security (Miscellaneous Amendments) Regulations (NI) 2018**

The Committee considered SR 2018/149: The Social Security (Miscellaneous Amendments) Regulations (NI) 2018, which would amend a number of social security related Statutory Rules to include reference to the Social Services and Well-being (Wales) Act 2014, where applicable. The Social Services and Well-being (Wales) Act 2014 (the 2014 Act) makes provision in relation to the needs of people who need care and support, and carers who need support, and for transforming social services in Wales. There are a number of social security related Statutory Rules, which make reference to the Children Act 1989 in provisions relating to calculation of grant income, and these provisions are being amended to include reference to the 2014 Act.

These Regulations also amend the Housing Benefit Regulations (Northern Ireland) 2006, to clarify the qualifying conditions for a disregard when a claimant is a member of a couple. This change restores the regulation to reflect the policy intent that the person working is also the one who meets the qualifying conditions by being the one who is entitled to a disability premium or is receiving the support component as part of their award of Employment and Support Allowance (ESA) or is in the work-related activity group for ESA

*Agreed:* The Committee considered SR 2018/149: The Social Security (Miscellaneous Amendments) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

*Kellie Armstrong re-joined the meeting at 11:17a.m.*

### **SR 2018/150: The Social Security (Treatment of Arrears of Benefit) Regulations (NI) 2018**

The Committee considered SR 2018/150: The Social Security (Treatment of Arrears of Benefit) Regulations (NI) 2018, which would expand the existing capital disregards in legacy income-related benefits that currently apply to benefit arrears amounting to £5,000 or more which are paid as a result of official error, to apply equally where the arrears are paid as a result of an error on a point of law. This would mean that the arrears in question could be disregarded for the life of the benefit award rather than for the current maximum of 52 weeks.

*Agreed:* The Committee considered SR 2018/150: The Social Security (Treatment of Arrears of Benefit) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

*The Chairperson adjourned the meeting at 11:18a.m.*

*The Chairperson resumed the meeting in public session at 11:31a.m. with all members present.*

The following departmental officials joined the meeting at 11:31a.m.

Mr Gerry McCann  
Ms Doreen Roy

The officials briefed the Committee and answered members' questions on Statutory Rules related to the Pension Protection Fund.

### **SR 2018/26: The Pension Protection Fund (Compensation) (Amendment) Regulations (NI) 2018**

The Committee considered SR 2018/26: The Pension Protection Fund (Compensation) (Amendment) Regulations (NI) 2018 which would make technical amendments to existing Regulations in relation to the compensation payable from the Pension Protection Fund to those with occupational pensions that are paid at an initial higher amount which later reduces, usually at state pension age.

*Agreed:* The Committee considered SR 2018/26: The Pension Protection Fund (Compensation) (Amendment) Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2017/59: The Pension Protection Fund (Modification) (Amendment) Regulations (NI) 2017**

The Committee considered SR 2017/59: The Pension Protection Fund (Modification) (Amendment) Regulations (NI) 2017 which relate to the introduction in April 2017 of

an increased pension compensation cap for long service in the calculation of pension compensation payable by the Pension Protection Fund (PPF).

The Regulations allow the PPF to discharge a lump sum an individual's money purchase benefits where the total value of those benefits where a total value is below £10,000.

*Agreed:* The Committee considered SR 2017/59: The Pension Protection Fund (Modification) (Amendment) Regulations (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2018/165: The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018**

The Committee considered SR 2018/165: The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 which would make amendments to existing Regulations governing compensation payable from the Pension Protection Fund, and the investment principles and disclosure requirements for occupational pension schemes.

*Agreed:* The Committee considered SR 2018/165: The Pension Protection Fund (Pensionable Service) and Occupational Pension Schemes (Investment and Disclosure) (Amendment and Modification) Regulations 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2017/39 The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2017**

The Committee considered SR 2017/39: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2017, which would specify the Pension Protection Fund levy ceiling and compensation cap for the financial year beginning at 1<sup>st</sup> April 2017.

*Agreed:* The Committee considered SR 2017/39: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/38: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2018**

The Committee considered SR 2018/38: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2018, which would specify the Pension Protection Fund levy ceiling and the standard amount of the compensation cap for the financial year beginning at 1<sup>st</sup> April 2018.

*Agreed:* The Committee considered SR 2018/38: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2019/22: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2019**

The Committee considered SR 2019/22: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2019, which would specify the Pension Protection Fund levy ceiling and the standard amount of the compensation cap for the financial year beginning at 1<sup>st</sup> April 2019.

*Agreed:* The Committee considered SR 2019/22: The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling and Compensation Cap) Order (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

The officials briefed the Committee and answered members' questions on Statutory Rules related to Private pensions – Appropriate Independent Advice.

**SR 2018/40: The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment) Regulations (NI) 2018**

The Committee considered SR 2018/40: The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment) Regulations (NI) 2018 which would provide for a new requirement for schemes to send members with 'safeguarded-flexible' benefits information about the guarantees those benefits offer, before they proceed to transfer, convert or flexibly access to them.

The amendments also provide a simpler process for trustees and scheme managers to value members' pension savings, classified as 'safeguarded benefits', when determining whether the requirement to take financial advice applies.

*Agreed:* The Committee considered SR 2018/40: The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment)

Regulations (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule

**SR 2019/184: The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment No.2) Regulations (NI) 2019**

The Committee considered SR 2019/184: The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment No.2) Regulations (NI) 2019 which would provide a simpler process for trustees and scheme managers to value members' pension savings, classified as 'safeguarded benefits', when determining whether the requirement to take financial advice applies.

The amendments also provide a new requirement for schemes to send members with 'safeguarded-flexible' benefits information about the guarantees those benefits offer, before they proceed to transfer, convert or flexibly access to them.

*Agreed:* The Committee considered SR 2019/184: The Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment No.2) Regulations (NI) 2019 and recommended that it be approved by the Assembly.

The officials briefed the Committee and answered members' questions on a Statutory Rule related to Miscellaneous (2015 Act) consequential amendments.

**SR 2017/66: The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (NI) 2017**

The Committee considered SR 2017/66: The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (NI) 2017, which supports the introduction of a new social security benefit called Bereavement Support Payment (BSP) which will replace the current suite of bereavement benefits (Bereavement Payment, Bereavement Allowance and Widowed Parent's Allowance).

*Agreed:* The Committee considered SR 2017/66: The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

The officials briefed the Committee and answered members' questions on Statutory Rules related to State Pension.

**SR 2017/227: The State Pension Debits and Credits (Revaluation) (No.2) Order (NI) 2017**

The Committee considered SR 2017/227: The State Pension Debits and Credits (Revaluation) (No.2) Order (NI) 2017 which supports the introduction of a new social

security benefit called Bereavement Support Payment which will replace the current suite of bereavement payments.

*Agreed:* The Committee considered SR 2017/227: The State Pension Debits and Credits (Revaluation) (No.2) Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2017/61: The State Pension Debits and Credits (Revaluation) Order (Northern Ireland) 2017**

The Committee considered SR 2017/61: The State Pension Debits and Credits (Revaluation) Order (Northern Ireland) 2017, which would allow for the revaluation of new State scheme pension credits and debits that arise when a pension sharing order is made by the courts where divorce proceedings commence from 6 April 2016.

*Agreed:* The Committee considered SR 2017/61: The State Pension Debits and Credits (Revaluation) Order (Northern Ireland) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2018/208: The State Pension Debits and Credits (Revaluation) Order (NI) 2018**

The Committee considered SR 2018/208: The State Pension Debits and Credits (Revaluation) Order (NI) 2018, which would provide that where the Secretary of State makes an Order under section 148AD of the Social Security Administration Act 1992 to increase the rate of credits and debits in Great Britain, the department may make corresponding provision for Northern Ireland.

*Agreed:* The Committee considered SR 2018/208: The State Pension Debits and Credits (Revaluation) Order (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2020/6: The State Pension Debits and Credits (Revaluation) Order (Northern Ireland) 2020**

The Committee considered SR 2020/6: The State Pension Debits and Credits (Revaluation) Order (Northern Ireland) 2020, which would revalue the resulting new State scheme pension debit and credits to reflect price increases since the debit or credit was created. The rate of credits and debits in Great Britain increase, the department may make corresponding provision for NI.

*Agreed:* The Committee considered SR 2020/6: The State Pension Debits and Credits (Revaluation) Order (Northern Ireland) 2020 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2017/228: The State Pension Revaluation for Transitional Pensions Order (NI) 2017**

The Committee considered SR 2017/228: The State Pension Revaluation for Transitional Pensions Order (NI) 2017, which would revalue “protected payments” to reflect increases in the general level of prices since 6 April 2016. The Order specifies the percentage that will be used to revalue “protected payments” for individuals reaching State Pension age on or after 10 April 2018.

*Agreed:* The Committee considered SR 2017/228: The State Pension Revaluation for Transitional Pensions Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2018/207: The State Pension Revaluation for Transitional Pensions Order (NI) 2018**

The Committee considered SR 2018/207: The State Pension Revaluation for Transitional Pensions Order (NI) 2018, which revalue “protected payments” to reflect increases in the general level of prices since 6 April 2016. The protected payment is the amount, if any, by which the part of a person’s new State Pension based on their pre-2016 National Insurance contributions exceeds the full rate of new State Pension.

The Order will increase “protected payments” by 6.5 per cent from the start of the review period on 6 April 2016.

*Agreed:* SR 2018/207: The State Pension Revaluation for Transitional Pensions Order (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

**SR 2020/7: The State Pension Revaluation for Transitional Pensions Order (Northern Ireland) 2020**

The Committee considered SR 2020/7: The State Pension Revaluation for Transitional Pensions Order (Northern Ireland) 2020 which would which revalue “protected payments” to reflect increases in the general level of prices since 6 April 2016. The protected payment is the amount, if any, by which the part of a person’s new State Pension based on their pre-2016 National Insurance contributions exceeds the full rate of new State Pension.



The Order will increase “protected payments” by 8.2 per cent from the start of the review period on 6 April 2016.

*Agreed:* SR 2018/207: SR 2020/7: The State Pension Revaluation for Transitional Pensions Order (Northern Ireland) 2020 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

The officials briefed the Committee and answered members’ questions on a Statutory Rule related to Judicial Pension.

**SR 2019/158: The Pension Schemes Act 2015 (Judicial Pensions) (Consequential Provision No.2) Regulations (NI) 2019**

The Committee considered SR 2019/158: The Pension Schemes Act 2015 (Judicial Pensions) (Consequential Provision No.2) Regulations (NI) 2019, which would revoke and re-enact the Pension Schemes Act 2015. The regulations make a technical amendment to section 31 of the Public Service Pensions Act (NI) 2014 to ensure that the relationship between 2014 Act and a scheme for fee-paid judges established by 1993 Act is the same relationship between 2014 Act and other judicial pension schemes established under the 1993 Act.

*Agreed:* The Committee considered SR 2019/158: The Pension Schemes Act 2015 (Judicial Pensions) (Consequential Provision No.2) Regulations (NI) 2019 and recommended that it be approved by the Assembly.

The officials briefed the Committee and answered members’ questions on Statutory Rules related to Earnings Factors.

**SR 2017/53: The Social Security Revaluation of Earning Factors Order (NI) 2017**

The Committee considered SR 2017/53 The Social Security Revaluation of Earning Factors Order (NI) 2017, which would clarify when automatic enrolment (AE) duties apply to newly created employers from April 2017. They amend the start date of the AE duties trigger for new employers outside the AE staging profile. They also give such employers the option to defer automatic enrolment, for up to three months, from the date they take on a new employer.

*Agreed:* The Committee considered SR 2017/53: The Social Security Revaluation of Earning Factors Order (NI) 2017 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2018/39: The Social Security Revaluation of Earning Factors Order (NI) 2018**

The Committee considered SR 2019/39: The Social Security Revaluation of Earning Factors Order (NI) 2018, which would provide that earnings factors relating to National Insurance contributions for historic tax years, used in the calculation of additional State Pension and Guaranteed Minimum Pensions (GMPs), maintain their value in line with the increase in average earnings.

*Agreed:* The Committee considered SR 2019/39: The Social Security Revaluation of Earning Factors Order (NI) 2018 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **SR 2019/43: The Social Security Revaluation of Earning Factors Order (NI) 2019**

The Committee considered SR 2019/43: The Social Security Revaluation of Earning Factors Order (NI) 2019, which would revalue “protected payments” to reflect increases in the general level of prices since 6 April 2016. The Order will increase “protected payments” by 6.5 per cent from the start of the review period on 6 April 2016.

*Agreed:* The Committee considered SR 2019/43: The Social Security Revaluation of Earning Factors Order (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

The officials briefed the Committee and answered members’ questions on Statutory Rules related to EU Exit.

Ms Michelle Grills, departmental official, joined the meeting at 12:11p.m.

### **SR 2019/213: The Social Security (Amendment) (EU Exit) Regulations (NI) 2019**

The Committee considered SR 2019/13: The Social Security (Amendment) (EU Exit) Regulations (NI) 2019, which would amend a number of social security related Statutory Rules to apply a disregard in respect of a carer’s allowance supplement paid to a claimant by the Scottish Government.

*Agreed:* The Committee considered SR 2019/213: The Social Security (Amendment) (EU Exit) Regulations (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

## **SR 2019/90: The Social Security (Income-related Benefits) (Updating and Amendment No.2) (EU Exit) Regulations (NI) 2019**

The Committee considered SR 2019/90: The Social Security (Income-related Benefits) (Updating and Amendment No.2) (EU Exit) Regulations (NI) 2019, which would make amendments to income-related benefits regulations to clarify that the current habitual residence rules on access to benefits for EEA (European Economic Area) nationals, Swiss nationals and Zambrano carers continue to apply whilst they hold limited leave to enter or remain under the EU Settlement Scheme (EUSS). The relevant income related benefits are Income Support, Jobseeker's Allowance, State Pension Credit, Housing Benefit and Employment and Support Allowance.

*Agreed:* The Committee considered SR 2019/90: The Social Security (Income-related Benefits) (Updating and Amendment No.2) (EU Exit) Regulations (NI) 2019 and, subject to the Examiner of Statutory Rules Report, had no objection to the rule.

### **6. Any Other Business**

There was no AOB to record.

### **7. Date, Time and Place of the next meeting**

The next meeting will be on Thursday 6 February at 10.00 a.m. in Room 29, Parliament Buildings.

*The meeting adjourned at 12.18p.m.*

**Ms Paula Bradley MLA**  
**Chairperson, Committee for Communities**