

Welfare Rights Fact Sheets and Northern Ireland

Due to differences in the law and administrative set up, some of the information in our welfare rights fact sheets does not apply to Northern Ireland. This leaflet is intended to alert those who use the fact sheets to the main differences.

The legislation:

Social Security in Northern Ireland is governed by separate laws from the rest of the UK. Our fact sheets relate specifically to social security law in Great Britain (GB), which consists of England, Scotland and Wales, but excludes Northern Ireland, the Isle of Man and the Channel Islands. However, legislation in Northern Ireland is normally identical to that in Great Britain. One major difference is the continued existence of the rates system which is similar to the council tax system in GB. Most of the other differences are in name only i.e. the names of particular government departments, phone numbers, titles of forms or leaflets, etc.

Case law:

Northern Ireland case law i.e. rulings which set binding legal precedents, can also differ from the rest of the UK. Northern Ireland has its own Social Security Commissioners and Court of Appeal whose rulings are binding on NI adjudication officers. GB case law is not legally binding in Northern Ireland but has *persuasive force*. Theoretically, a Northern Ireland Commissioner's decision takes precedence over a GB higher court ruling. In practice the same interpretation will normally be followed "*in the interests of comity*" in both Northern Ireland and GB.

Official guidance:

The official guidance from Central Adjudication Services (NI) is normally the same as GB guidance. However, occasionally it varies. For example Central Adjudication Services (GB) issued guidance following the *Mallinson* ruling (see our *Disability Living Allowance* and *Attendance Allowance* fact sheets), which suggested that help to perform social activities was not "*reasonably required*". However, there was no such restrictive interpretation within the Northern Ireland guidance on Mallinson (*Dear SA0 Letter 13/94*).

Administration:

In Great Britain the Department for Work and Pensions administers most social security benefits, although tax credits and child benefit are administered by the Inland Revenue. Benefits in Northern Ireland are mostly administered by the Social Security Agency (SSA), which is part of the Department for Social Development (DSD). The Chief Executive of the

SSA is directly accountable to the Secretary of State for Northern Ireland (not the Secretary of State for Social Security).

Housing benefit (i.e. help towards rent and/or rates) for tenants and boarders is administered by district offices of the Northern Ireland Housing Executive (NIHE). Housing benefit for owner occupiers is administered by the Rates Collection Agency which is an agency in the Department of the Environment. The rules of entitlement are effectively the same in Northern Ireland as those in GB.

Health Benefits (GB) are centrally administered by the Department for Work and Pensions. Health Service Benefits, the Northern Ireland equivalent, are locally administered by Social Security Offices. Some work (e.g. issuing of exemption certificates) is done by Central Services Agency, which is part of the DSD.

Advice lines:

Social security freephone numbers are different in Northern Ireland from those quoted in our fact sheets. The Benefits Enquiry Line for people with disabilities in Northern Ireland is 0800 220674. Queries can be made through this line and they also offer a telephone completion service. Tape or Braille transcripts of forms completed over the phone can be sent to claimants to sign.

Other differences:

There are a number of minor technical differences in our fact sheets which should be noted:

Disability Living Allowance and Attendance Allowance: claim forms can be obtained by sending off leaflet DLA705 (DLA) or DS702 (AA) which can be obtained from post offices, or by ringing the Benefits Enquiry Line (NI) on 0800 220674. The GB guidance on domestic duties, quoted in our AA/DLA fact sheets, is identical to the NI guidance [*Dear SAO letter 14/97*].

Community Care Grants: the list of excluded items, for which grants cannot be awarded, is identical to the GB list, except that rates and the cost of specialist security measures are also excluded in the NI Social Fund directions. However, this does not include locks, bolts, door chains and door viewers outside doors and windows. Reviews by NI Social Fund Inspectors (SFI) are conducted by the Office of the Social Fund Commissioner in Belfast, whereas SFI reviews in GB are handled by the Independent Review Service in Birmingham.

Exemption from road tax: (see our *Disability Living Allowance* fact sheet) application forms can be obtained from DLA Branch, Castle Court, Royal Avenue, Belfast BT1, telephone 0280 90 336 000. Completed forms are taken to the Motor Tax Department (part of the Department of Environment).

Incapacity Benefit: registered blind people are, at present, exempt from the

'Personal Capability Assessment' and may need to submit their certificate of registration, the equivalent of the CVI certificate in Great Britain. For more information contact the Incapacity Benefit Branch which is also based at Castle Court, Royal Avenue, Belfast BT1, telephone 0280 90 336 000.

Free prescriptions: to apply for a certificate of exemption from prescription charges on medical grounds you must obtain form HC11B from a pharmacist, hospital or doctor. Form HC11B is the equivalent of form FP92A in England and Wales. Exemption certificates are issued by Central Services Agency.

This is only a guide and is not a complete or exhaustive statement of law.

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