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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 236**

**The Universal Credit (Consequential,  
Supplementary, Incidental and Miscellaneous  
Provisions) Regulations (Northern Ireland) 2016**

**PART 3**

**AMENDMENTS OF SECONDARY LEGISLATION**

**CHAPTER 4**

**EDUCATION AND EMPLOYMENT**

**Amendment of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations**

**43.**—(1) The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations (Northern Ireland) 1996<sup>(1)</sup> are amended in accordance with paragraphs (2) to (7).

(2) In the title of the regulations for “Jobseeker's Allowance and Income Support” substitute “Benefits”.

(3) In regulation 1 (citation and commencement) for “Jobseeker's Allowance and Income Support” substitute “Benefits”.

(4) In regulation 2(1) (interpretation)<sup>(2)</sup>—

(a) in the definition of “recoupable benefit”, after “income-related employment and support allowance” insert “, universal credit”; and

(b) after the definition of “the Secretary of the Tribunals” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

(5) In regulation 4(1) and (8) (duties of the industrial tribunals and of the Secretary of the Tribunals in respect of monetary awards)<sup>(3)</sup> after “income-related employment and support allowance” insert “, universal credit”.

(6) In regulation 8 (recoupment of benefit)<sup>(4)</sup>—

(a) in paragraph (1) after “income-related employment and support allowance” insert “, universal credit”;

(b) in paragraph (2)(b) at the beginning insert “(i)” and after “is attributable” insert—

“; or

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<sup>(1)</sup> S.R. 1996 No. 459

<sup>(2)</sup> Regulation 2(1) was amended by regulation 5 of S.R. 2010 No. 345

<sup>(3)</sup> Regulation 4 was amended by regulation 5 of S.R. 2010 No. 345

<sup>(4)</sup> Regulation 8 was amended by regulation 5 of S.R. 2010 No. 345

- (ii) in the case of an employee entitled to an award of universal credit for any period (“the UC period”) which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person’s earned income for that period was the same as immediately before the period to which the prescribed element is attributable”;
- (c) in paragraph (3)(b), at the beginning insert “(i)” and after “described in sub-paragraph (a)” insert—
- “; or
- (ii) in the case of an employee entitled to an award of universal credit for any period (“the UC period”) which coincides with any part of the protected period falling before the date described in (a) above, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person’s earned income for that period was the same as immediately before the protected period”; and
- (d) after paragraph (11) insert—
- “(12) For the purposes of paragraphs (2)(b)(ii) and (3)(b)(ii) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (7) In regulation 10(1) and (2) (provisions relating to determination of amount paid by way of or paid as on account of benefit)(5) after “income-related employment and support allowance” insert “, universal credit”.

#### Commencement Information

**II** Reg. 43 comes into operation in accordance with [reg. 1\(1\)](#)

#### Amendment of the Education (Student Loans) Regulations

**44.** In paragraph 1 of Schedule 2 to the Education (Student Loans) Regulations (Northern Ireland) 1998 (terms of loans)(6) for the definition of “disability related benefits” substitute—

““disability related benefits” means—

- (a) long term incapacity benefit or short term incapacity benefit at the higher rate, severe disablement allowance, disability living allowance, industrial injuries benefit and disabled person’s tax credit, all payable under the Social Security Contributions and Benefits Act 1992(7) or the Social Security Contributions and Benefits (Northern Ireland) Act 1992(8);
- (b) personal independence payment under Part 4 of the Welfare Reform Act 2012(9) or Part 5 of the Welfare Reform (Northern Ireland) Order 2015(10);
- (c) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(11);

(5) Regulation 10 was amended by Article 12 (3) and (4) of [S.R. 1999 No. 472](#) and regulation 5 of [S.R. 2010 No. 345](#)

(6) [S.R. 1998 No. 58](#)

(7) [1992 c. 4](#)

(8) [1992 c. 7](#)

(9) [2012 c. 5](#)

(10) [S.I. 2015/2006 \(N.I. 1\)](#)

(11) [S.I. 2011/517](#)

- (d) the amount of any disability premium and severe disability premium included in the applicable amount in calculating the income support payable under the Income Support (General) Regulations 1987(12) or the Income Support (General) Regulations (Northern Ireland) 1987(13);
- (e) any amount that is included in the calculation of an award of universal credit, under regulation 28(1) of the Universal Credit Regulations 2013(14) or regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016(15) (award to include LCW and LCWRA elements), in respect of the fact that the borrower has limited capability for work or limited capability for work and work-related activity; or
- (f) any other statutory disability related benefit which replaces any of those benefits and which the lender gives the borrower details;”.

#### Commencement Information

**I2** Reg. 44 comes into operation in accordance with [reg. 1\(1\)](#)

#### Amendment of the Education (Student Support) (No. 2) Regulations

**45.**—(1) The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(16) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation) after the definition of “type 3 teacher training student” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

(3) In regulation 43(2) (interpretation of chapter 4)(17)—

- (a) at the end of sub-paragraph (f) omit “and”;
- (b) at the end of sub-paragraph (g) for “.” substitute “; and”;
- (c) after sub-paragraph (g) insert—

“(h) in the case of a dependant who is entitled to an award of universal credit—

- (i) any amount that is included in the calculation of the award, under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016(18) (award to include LCW and LCWRA elements), in respect of the fact that the dependant has limited capability for work or limited capability for work and work-related activity;
- (ii) any amount or additional amount that is included in the calculation of the award under regulation 25 (the child element) of those Regulations.”.

(4) For regulation 46(3) (childcare grant)(19) substitute—

“(3) A does not qualify for a childcare grant is A or A’s partner—

(12) S.I. 1987/1967

(13) SR. 1987 No. 459

(14) S.I. 2013/376

(15) SR. 2016 No. 216

(16) S.R. 2009 No. 373

(17) Regulation 43 was amended by regulation 6 of S.R. 2012 No. 398

(18) S.R. 2016 No. 216

(19) Regulation 46 was amended by regulations 8 and 9 of S.R. 2012 No. 398, regulation 4 of S.R. 2014 No. 309 and regulation 5 of S.R. 2016 No. 21

- (a) has elected to receive the childcare element of the working tax credit under Part 1 of the Tax Credits Act 2002; or
  - (b) is entitled to an award of universal credit the calculation of which includes an amount under regulation 32 (childcare costs element) of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (5) In regulation 59(2) (qualifying conditions for the special support grant)(**20**)—
- (a) at the end of sub-paragraph (a) omit “or”;
  - (b) at the end of sub-paragraph (b) insert “or”; and
  - (c) after sub-paragraph (b) insert—
    - “(c) under regulation 26(3) (housing costs element) of the Universal Credit Regulations (Northern Ireland) 2016 is liable or treated as being liable to make payments in respect of the accommodation they occupy as their home.”.
- (6) In regulation 110(1)(a) (amount of support)—
- (a) at the end of paragraph (ii) omit “or”; and
  - (b) after paragraph (iii) insert—
    - “or
    - (iv) to universal credit;”.
- (7) In regulation 127(5)(a) (amount of assistance)—
- (a) at the end of paragraph (ii) omit “or”; and
  - (b) after paragraph (iii) insert—
    - “or
    - (iv) to universal credit;”.

#### Commencement Information

**I3** Reg. 45 comes into operation in accordance with [reg. 1\(1\)](#)

#### Amendment of the National Minimum Wage Regulations

**46.** In regulation 55(2)(a) of the National Minimum Wage Regulations 2015(**21**) (work schemes for provision of accommodation to the homeless)—

- (a) in paragraph (i) after “Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”;
- (b) in paragraph (ii) after “Social Security Contributions and Benefits Act 1992” insert “or Part VII of the Social Security Contributions and Benefits (Northern Ireland) Act 1992”; and
- (c) in paragraph (iii) after “Jobseekers Act 1995” insert “or Part II of the Jobseekers (Northern Ireland) Order 1995”.

#### Commencement Information

**I4** Reg. 46 comes into operation in accordance with [reg. 1\(1\)](#)

(20) Regulation 59 was amended by regulation 13 of [S.R. 2012 No. 398](#), regulation 11 of [S.R. 2013 No. 128](#) and regulation 7 of [S.R.2013 No. 223](#)

(21) [S.I. 2015/621](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016, CHAPTER 4. (See end of Document for details)*

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