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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** **N.I.**

**AMENDMENTS OF SECONDARY LEGISLATION**

**CHAPTER 1** **N.I.**

**SOCIAL SECURITY BENEFITS**

**Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations** **N.I.**

**17.**—(1) The Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations (Northern Ireland) 1975(1) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation)(2)—

- (a) omit the definition of “contributory employment and support allowance”; and
- (b) after the definition of “the determining authority” insert—

““employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”.

(3) In the title of regulation 3 (modifications, in relation to widows, of provisions with respect to unemployment and short-term incapacity benefit, contributory employment and support allowance, maternity allowance and Category A retirement pension) and in paragraphs (1)(a) and (b) and (5)(a) and (b) of that regulation omit “contributory” in each place it occurs.

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**Commencement Information**

**II** Reg. 17 comes into operation in accordance with **reg. 1(1)**

**Amendment of the Social Security (Benefit) (Members of the Forces) Regulations** **N.I.**

**18.**—(1) The Social Security (Benefit) (Members of the Forces) Regulations 1975(3) are amended in accordance with paragraphs (2) and (3).

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(1) [S.R. 1975 No. 19](#)

(2) Regulation 1(2) was amended by regulation 2 of [S.R. 1984 No. 174](#) and regulation 4 of [S.R. 2008 No. 286](#)

(3) [S.I. 1975/493](#)

- (2) In regulation 3 (unemployment benefit)—
- (a) in paragraph (1) (discharge or dismissal in consequence of conviction)(4) after “(higher level sanctions)” insert “or Article 31 of the Welfare Reform (Northern Ireland) Order 2015 (higher level sanctions)”; and
- (b) in paragraph (3) (evidence of dismissal)(5) after “Welfare Reform Act 2012” insert “or under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.
- (3) In regulation 5 (application of the Act, the Northern Ireland Act and regulations)(6) after “Welfare Reform Act 2012 and regulations made under it,” insert “or of Part 2 of the Welfare Reform (Northern Ireland) Order 2015 and regulations made under it,”.

#### Commencement Information

**I2** Reg. 18 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Social Security (Mariners’ Benefits) Regulations **N.I.**

**19.**—(1) The Social Security (Mariners’ Benefits) Regulations (Northern Ireland) 1975(7) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)(8)—

(a) after the definition of “British ship” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;

(b) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(c) after the definition of “mariner” insert—

““new style JSA” means a jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance;”.

(3) In regulation 2 (days in periods of paid leave not to be treated as days of unemployment)(9), in the words after sub-paragraph (d), after “that period of leave” insert “and, in relation to new style JSA, shall not be regarded as entitled to a jobseeker’s allowance for any day in that period”.

(4) After regulation 6(1) (special provisions relating to days of unemployment etc.)(10) insert—

(4) Regulation 3(1) was amended by regulation 2 of S.I. 1988/269, regulation 6(a) of S.I. 2000/1982 and regulation 21(2) of S.I. 2013/630

(5) Regulation 3(3) was amended by regulation 168(4) of S.I. 1996/207 and regulation 21(2) of S.I. 2013/630

(6) Regulation 5 was amended by regulation 14(3) of S.I. 1996/1345 and regulation 21(3) of S.I. 2013/630

(7) S.R. 1975 No. 108

(8) Regulation 1(2) was amended by regulation 6(2) of S.R. 2008 No. 286

(9) Regulation 2 was amended by regulation 165(2) of S.R. 1996 No. 198

(10) Regulation 6(1) was amended by regulation 165(4) of S.R. 1996 No. 198

“(1A) In relation to new style JSA, a mariner or share fisherman employed as such on board any ship or vessel shall be treated as complying with the work-related requirements referred to in Article 8(2) of the Jobseekers (Northern Ireland) Order 1995 during any period when he is absent from Northern Ireland if he would comply with those requirements but for the fact that he is absent from Northern Ireland.”.

#### Commencement Information

**I3** Reg. 19 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Social Security (Medical Evidence) Regulations **N.I.**

**20.** In regulation 1 of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 (interpretation)(**11**)—

(a) in paragraph (2)(**12**)—

(i) for the definition of “limited capability for work” substitute—

““limited capability for work” has the meaning—

- (a) for the purposes of employment and support allowance, given in section 1(4) of the Welfare Reform Act (Northern Ireland) 2007; and
- (b) for the purposes of universal credit, given in Article 43 of the Welfare Reform (Northern Ireland) Order 2015;”, and

(ii) for the definition of “limited capability for work assessment” substitute—

““limited capability for work assessment” means the assessment of whether a person has limited capability for work—

- (a) for the purposes of old style ESA, under Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008,
- (b) for the purposes of new style ESA, under Part 4 of the Employment and Support Allowance Regulations (Northern Ireland) 2016,
- (c) for the purposes of universal credit, under Part 5 of the Universal Credit Regulations (Northern Ireland) 2016;”,

(b) after paragraph (4) insert—

“(5) For the purposes of the definition of “limited capability for work assessment” in paragraph (2)—

- (a) “old style ESA” means an allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 as that Part has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance; and
- (b) “new style ESA” means an allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance.”.

(11) S.R. 1976 No. 175

(12) Paragraph (2) was amended by regulation 8 of S.R. 2008 No. 286

#### Commencement Information

**I4** Reg. 20 comes into operation in accordance with [reg. 1\(1\)](#)

#### Amendment of the Social Security (Invalid Care Allowance) Regulations **N.I.**

**21.**—(1) Regulation 7 of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 (manner of electing the person entitled to a carer’s allowance in respect of a severely disabled person where, but for section 70(7) of the Contributions and Benefits Act, more than one person would be entitled to an invalid care allowance in respect of that severely disabled person)(**13**) is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

- (a) for “be entitled for the same day to a carer’s allowance” substitute “have a relevant entitlement for the same day”;
- (b) for “shall be entitled” substitute “shall have that entitlement”;
- (c) for “be entitled to a carer’s allowance” substitute “have a relevant entitlement”; and
- (d) for “to be entitled” substitute “to have that entitlement”.

(3) In paragraph (2)—

- (a) for “entitlement to carer’s allowance” substitute “a relevant entitlement”; and
- (b) after “a carer’s allowance” insert “or the carer element of universal credit”.

(4) After paragraph (2) insert—

“(3) In paragraph (2) “the carer element of universal credit” means an amount included in an award of universal credit in respect of the fact that a person has regular and substantial caring responsibilities for a severely disabled person.”.

#### Commencement Information

**I5** Reg. 21 comes into operation in accordance with [reg. 1\(1\)](#)

#### Amendment of the Social Security Benefit (Persons Abroad) Regulations **N.I.**

**22.** In regulation 1(2) of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 (interpretation)(**14**) after the definition of “former principal Act” insert—

““jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”.

#### Commencement Information

**I6** Reg. 22 comes into operation in accordance with [reg. 1\(1\)](#)

(13) S.R. 1976 No. 99; regulation 7 was amended by regulation 2(6) of S.R. 1996 No. 521 and paragraph 1 of Schedule to S.R. 2002 No. 323

(14) S.R. 1978 No. 114

## Amendment of the Social Security (Overlapping Benefits) Regulations **N.I.**

**23.** In regulation 2(1) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 (interpretation)(**15**)—

(a) after the definition of “child benefit” insert—

““contribution-based jobseekers allowance” means an allowance under the Jobseekers Order as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Order as that Order has affect apart from those provisions;”

(b) after the definition of “contributory benefit” insert—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”

(c) after the definition of “the enhanced rate”(**16**) insert—

““income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers Order;

“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act;” and

(d) in the definition of “personal benefit”(**17**), after the words “dependency benefit” insert “or universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

### Commencement Information

**I7** Reg. 23 comes into operation in accordance with **reg. 1(1)**

## Amendment of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations **N.I.**

**24.** In regulation 4 of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979 (days to be treated as days of increment)(**18**)—

(a) in paragraph (1)(e)—

(i) at the end of paragraph (iii) omit “or”,

(ii) at the end of paragraph (iv) insert “or”, and

(iii) after paragraph (iv) insert—

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

(b) in paragraph (2)(b)(ii) omit “contribution-based”; and

(15) [S.R. 1979 No. 242](#); relevant amendments are regulation 11(2) of [S.R. 1996 No. 289](#) and regulation 9(2) of [S.R. 2008 No. 286](#)

(16) The definition for “the enhanced rate” was inserted by Article 13(2)(b) of [S.I. 2013/3021](#) and amended by regulation 9 of the Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 228](#))

(17) The definition of “personal benefit” was amended by regulation 2(a) of [S.R. 1980 No. 451](#), regulation 11(2)(c) of [S.R. 1996 No. 289](#), regulation 4(a) of [S.R. 2005 No. 299](#) and regulation 9(2)(c) of [S.R. 2008 No. 286](#)

(18) [S.R. 1979 No.243](#); regulation 4(1)(e) was inserted by regulation 2(2)(c) of [S.R. 2011 No. 109](#), regulation 4(2)(b)(ii) was amended by regulation 12 of [S.R. 1996 No. 289](#) and regulation 4(5) was inserted by regulation 2(3) of [S.R. 2011 No. 109](#)

- (c) for paragraph (5) substitute—
- “(5) In this regulation—
- (a) in paragraph (1) “couple” has the meaning—
- (i) apart from in relation to universal credit, given by section 133(1) of the Contributions and Benefits Act (interpretation of Part VII and supplementary provisions);
- (ii) in relation to universal credit, given by Article 45 of the Welfare Reform (Northern Ireland) Order 2015 (couples);
- (b) in paragraph (2) “jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions; and
- (c) “universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

#### Commencement Information

**18** Reg. 24 comes into operation in accordance with [reg. 1\(1\)](#)

#### Amendment of the Social Security (General Benefit) Regulations **N.I.**

**25.** In regulation 9 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984 (payments of benefit and suspension of payments pending a decision on appeals or references, arrears and repayments)(**19**)—

- (a) in paragraph (5A)(a), (b) and (c) omit “contribution-based” in each place it occurs;
- (b) in paragraph (5B)(a) and (c) omit “contribution-based” in each place it occurs;
- (c) in paragraphs (5C) and (5D) omit “contribution-based” in each place it occurs; and
- (d) after paragraph (5D) insert—

“(5E) In this regulation “jobseeker’s allowance” means an allowance under the Jobseekers Order (Northern Ireland) 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions.”.

#### Commencement Information

**19** Reg. 25 comes into operation in accordance with [reg. 1\(1\)](#)

#### Amendment of the Income Support (General) Regulations **N.I.**

**26.—(1)** The Income Support (General) Regulations (Northern Ireland) 1987(**20**) are amended in accordance with paragraphs (2) to (10).

(19) S.R. 1984 No. 92; paragraphs (5A) to (5D) of regulation 9 were inserted by regulation 5 of S.R. 1996 No. 503

(20) S.R. 1987 No. 459

- (2) In regulation 2(1) (interpretation)(**21**)—
- (a) after the definition of “concessionary payment” insert—
- ““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;
- (b) for the definition of “contributory employment and support allowance” substitute—
- ““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;
- (c) after the definition of “unemployment benefit” insert—
- ““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.
- (3) In regulation 14(2) (persons of a prescribed description)(**22**)—
- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) insert “or”; and
- (c) after sub-paragraph (d) insert—
- “(e) entitled to universal credit.”.
- (4) In regulation 31(2) (date on which income is treated as paid)(**23**)—
- (a) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”; and
- (b) for “on the day of the benefit week” substitute “on any day”.
- (5) In regulation 40(6)(c) (calculation of income other than earnings)(**24**) after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act(**25**) as the case may be”.
- (6) In regulation 75(b) (modifications in the calculation of income)(**26**) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”.
- (7) In paragraph 13 (severe disability premium) of Schedule 2 (applicable amounts)(**27**)—
- (a) in sub-paragraph (2)(a)(iii) after “the Contributions and Benefits Act” insert “or has an award of universal credit which includes the carer element”;
- (b) in the closing words of sub-paragraph (2)(b)—

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(21) Regulation 2(1) was amended by regulation 2 of S.R. 1989 No. 365, regulation 12 of S.R. 2008 No. 286 and regulation 2 of S.R. 2008 No. 498; there are other amendments that are not relevant to these Regulations

(22) Regulation 14 was amended by paragraph 2 of Schedule 1 to S.R. 2003 No. 1, paragraph 2 of Schedule 1 to S.R. 2005 No. 319, regulation 2 of S.R. 2006 No. 128 and regulation 12 of S.R. 2008 No. 286

(23) Regulation 31(2) was amended by regulation 14 of S.R. 1988 No. 146, regulation 7 of S.R. 1988 No. 318, regulation 2 of S.R. 1995 No. 67, regulation 15 of S.R. 1996 No. 199, and regulation 12 of S.R. 2008 No. 286

(24) Section 40(6) was inserted by regulation 12 of S.R. 2008 No. 286

(25) Section 11J was inserted by Article 63 of the Welfare Reform (Northern Ireland) Order 2015 S.I. 2015/2006

(26) Regulation 75(b) was amended by regulation 16 of S.R. 1988 No. 318, regulation 2 of S.R. 1995 No. 67, regulation 20 of S.R. 1996 No. 199 and regulation 12 of S.R. 2008 No. 286

(27) Paragraph 13 was amended by regulation 30 of S.R. 1988 No. 146, regulation 2 of S.R. 1994 No. 327, regulation 4(2) of S.R. 2000 No. 74, regulation 3 of S.R. 2002 No. 80, regulation 3 of S.R. 2002 No. 323, regulation 2 of S.R. 2007 No. 154, regulation 4 of S.R. 2011 No. 291 and regulation 14(5) of S.I. 2013/3021

- (i) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”, and
- (ii) after “such an allowance” insert “or has such an award of universal credit”;
- (c) in sub-paragraph (3ZA)(28) after “carer’s allowance” insert “or universal credit which includes the carer element”;
- (d) in sub-paragraph (3A)(b)(29)—
  - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”, and
  - (ii) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;
- (e) in sub-paragraph (5)—
  - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”, and
  - (ii) after “that allowance” insert “or had such an award”; and
- (f) after sub-paragraph (5) insert—
 

“(6) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 3 (housing costs)(30)—
  - (a) in paragraph 1(3)(31)—
    - (i) at the end of paragraph (c) omit “or”;
    - (ii) at the end of paragraph (d) insert “or”, and
    - (iii) after paragraph (d) insert—
      - “(e) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations.”; and
  - (b) in paragraph 18 (non-dependant deductions)—
    - (i) at the end of sub-paragraph (7)(g)(ii) omit “or”;
    - (ii) at the end of sub-paragraph (7)(i)(32) for “.” Substitute “; or”; and
    - (iii) after sub-paragraph (7)(i) insert—
      - “(j) if he is aged less than 25 and is entitled to an award of universal credit where the award is calculated on the basis that he does not have any earned income.”, and

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(28) Sub-paragraph (3ZA) was inserted by regulation 2(9)(b) of S.R. 1994 No. 327 and amended by paragraph 1(g) of the Schedule to S.R. 2002 No. 323, and regulation 2(7)(e)(i) of S.R. 2007 No. 154

(29) Sub-paragraph (3A) was inserted by regulation 30(d) of S.R. 1988 No. 146 and amended by regulation 10(4)(c) of S.R. 1992 No. 6, regulation 4(2)(a)(iii) of S.R. 2000 No. 74 and paragraph 1(g) of the Schedule to S.R. 2002 No. 323

(30) Schedule 3 was substituted by regulation 2 of and Schedule 1 to S.R. 1995 No. 301

(31) Paragraph 1(3) was amended by regulation 2 of S.R. 1995 No. 434, regulation 5 of S.R. 2006 No. 359 and regulation 12 of S.R. 2008 No. 286

(32) Paragraph 18(7)(i) was amended by regulation 12(11)(g) of S.R. 2008 No. 286 and regulation 2(3) of S.R. 2013 No. 67



(iv) after sub-paragraph (8)(33) insert—

“(9) For the purposes of sub-paragraph (7)(j) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(9) In paragraph 7 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(34)—

- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) for “.” substitute “; or”; and
- (c) after sub-paragraph (d) insert—
  - “(e) universal credit.”.

(10) In paragraph 7 of Schedule 10 (capital to be disregarded)—

- (a) in sub-paragraph (1)
  - (ii) after paragraph (c) insert—
    - “(d) universal credit;” and
- (b) in sub-paragraph (3)(35)—
  - (i) for “or of an income-based jobseeker’s allowance”, in both places where it occurs, substitute “, an income-based jobseeker’s allowance or universal credit”,
  - (ii) in paragraph (a) for “either of” substitute “of any of”,
  - (iii) in paragraph (b) for “either” substitute “any”,
  - (iv) at the end of paragraph (b)(iii) insert “or”, and
  - (v) after paragraph (b)(iii) insert—
    - “(iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum.”.

#### Commencement Information

**I10** Reg. 26 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Social Security (Claims and Payments) Regulations **N.I.**

**27.**—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(36) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)(37) after the definition of “State Pension Credit Regulations” insert—

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

(33) Paragraph 18(8) was amended by regulation 2(3)(j)(iii) of [S.R. 1995 No. 434](#), regulation 2(5)(e) of [S.R. 2008 No. 428](#), regulations 2(3)(e) and 2(7)(d) of [S.R. 2010 No. 69](#), regulation 7(5)(c) of [S.R. 2011 No. 357](#) and regulation 14(6)(b) of [S.R. 2013 No. 3021](#)

(34) Paragraph 7 was amended by regulation 9 of [S.R. 1998 No. 81](#) and regulation 2 of [S.R. 2008 No. 498](#)

(35) Paragraph 7(3) was added by regulation 2(b) of [S.R. 2002 No. 295](#) and amended by regulation 12(15)(b) of [S.R. 2008 No. 286](#)

(36) [S.R. 1987 No. 465](#)

(37) The definition for “state pension credit regulations” was inserted by regulation 3 of [S.R. 2003 No. 191](#)

(3) In regulation 16A(2) (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate)(**38**)—

- (a) in sub-paragraph (a) after “income support,” insert “universal credit.”; and
- (b) in sub-paragraph (b) after income-based jobseeker’s allowance” insert “or universal credit”.

#### Commencement Information

**111** Reg. 27 comes into operation in accordance with **reg. 1(1)**

#### Amendment of the Jobseeker’s Allowance Regulations **N.I.**

**28.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(**39**) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) for the heading substitute “citation, commencement, interpretation and application”;
- (b) after paragraph (1) insert—

“(1A) These Regulations do not apply to a particular case on any day on which Article 39(1)(a) of the Welfare Reform (Northern Ireland) Order 2015 (abolition of income-based jobseeker’s allowance) is in operation and applies in relation to that case.”; and

(c) in paragraph (2)—

(i) after the definition of “the Contributions Regulations” insert—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions.”; and

(ii) after the definition of “training allowance” insert—

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

(3) At the end of regulation 76(2)(e) (persons of a prescribed description)(**40**) insert—  
“; or

(f) entitled to universal credit.”.

(4) In regulation 96(2) (date on which income is treated as paid)(**41**)—

- (a) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”; and
- (b) for “the day of the benefit week” substitute “any day”.

**(38)** Regulation 16A was inserted by regulation 7 of [S.R. 2003 No.191](#) and paragraph (2) of that regulation was amended by regulation 13 of [S.R. 2008 No. 286](#)

**(39)** [S.R. 1996 No. 198](#)

**(40)** Regulation 76(2) was amended by paragraph 2 of Schedule 3 to [S.R. 2005 No. 319](#), regulation 4(6)(b) of [S.R. 2006 No. 128](#) and regulation 19(12) of [S.R. 2008 No. 286](#)

**(41)** Regulation 96(2) was amended by regulation 19(14) of [S.R. 2008 No. 286](#)

(5) In regulation 103(5B)(c) (calculation of income other than earnings)(42) after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act as the case may be”.

(6) In regulation 153(b) (modification in the calculation of income)(43) after “the Benefits Act” insert “, universal credit”.

(7) In Schedule 1 (applicable amounts)(44)—

(a) in paragraph 15 (severe disability premium)—

(i) in sub-paragraph (1)(c) after “Benefits Act” insert “or has an award of universal credit which includes the carer element”,

(ii) in sub-paragraph (2)(d) after “Benefits Act”, in both places it occurs, insert “or has an award of universal credit which includes the carer element”,

(iii) in sub-paragraph (5)(b)—

(aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and

(bb) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”,

(iv) in sub-paragraph (7) after “carer’s allowance” insert “or universal credit which includes the carer element”,

(v) in sub-paragraph (9)—

(aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and

(bb) after “that allowance” insert “or had such an award”, and

(vi) after sub-paragraph (9) insert—

“(10) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”;

(b) in paragraph 20I (severe disability premium – joint claim couples)(45)—

(i) in sub-paragraph (1)(d) after “Benefits Act”, in both places it occurs, insert “or has an award of universal credit which includes the carer element”,

(ii) in sub-paragraph (4)(b)—

(aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and

(bb) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;

(iii) in sub-paragraph (6) after “carer’s allowance” insert “or universal credit which includes the carer element”,

(iv) in sub-paragraph (7)—

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(42) Paragraph (5B) was inserted by regulation 19(16) of [S.R. 2008 No. 286](#)

(43) Regulation 153(b) was amended by regulation 19(21) of [S.R. 2008 No. 286](#)

(44) Schedule 1 was amended by regulation 4(3)(a) of [S.R. 2000 No. 74](#), regulation 5(4)(a) of [S.R. 2002 No. 80](#), regulation 3 of [S.R. 2002 No. 323](#), regulation 3 of [S.R. 2007 No. 154](#), regulation 5 of [S.R. 2011 No. 291](#) and regulation 17(7) of [S.I. 2013/3021](#)

(45) Paragraph 20I was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#) and amended by regulation 5(4)(b) of [S.R. 2002 No. 80](#), paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#), regulation 3(8)(j) of [S.R. 2007 No. 154](#), regulation 5(3)(b) of [S.R. 2011 No. 291](#), Article 17(7)(h) of [S.I. 2013/3021](#) and regulation 3(2)(e) of [S.R. 2014 No. 275](#)

- (aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
- (bb) after “that allowance” insert “or had such an award”; and
- (v) after sub-paragraph (7) insert—
- “(8) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 2 (housing costs)—
- (a) in paragraph 1(3)—
- (i) at the end of paragraph (d) for “, or” substitute “;”;
- (ii) at the end of paragraph (e)(46) for “.” Substitute “; or”, and
- (iii) after paragraph (e) insert—
- “(f) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations.”; and
- (b) in paragraph 17—
- (i) at the end of sub-paragraph (7)(h) omit “or”;
- (ii) at the end of sub-paragraph (7)(i)(47) for “.” substitute “; or”,
- (iii) after sub-paragraph (7)(i) insert—
- “(j) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income.”; and
- (iv) after sub-paragraph (8) insert—
- “(9) For the purposes of sub-paragraph (7)(j) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (9) In paragraph 8 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)(48)—
- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) insert “or”; and
- (c) after sub-paragraph (d) insert—
- “(e) universal credit.”.
- (10) In paragraph 12(1)(b) of Schedule 7 (capital to be disregarded)(49) after “working tax credit” insert “, universal credit”.

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(46) Head (e) was added by regulation 19(25) of [S.R. 2008 No. 286](#)

(47) Sub-paragraph(7)(i) was added by regulation 19(25)(f)(ii) of [S.R. 2008 No. 286](#) and amended by regulation 3(4) of [S.R. 2013 No. 67](#)

(48) Paragraph 8 was amended by regulation 3(6)(b) of [S.R. 2008 No. 498](#)

(49) Paragraph 12(1)(b) was amended by paragraph 24(a) of Schedule 2 to [S.R. 2003 No. 195](#), regulation 4(16)(a) of [S.R. 2008 No. 112](#), regulation 3(7)(a) of [S.R. 2008 No. 498](#), and regulation 4(11)(a) of [S.R. 2009 No. 92](#)

**Commencement Information**

**I12** Reg. 28 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations [N.I.](#)**

**29.**—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(**50**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(3) (interpretation)(**51**) after the definition of “personal independence payment”(**52**) insert—

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

(3) In regulation 2 (persons not excluded from specified benefits under section 115 of the Act)—

(a) after paragraph (1) insert—

“(1A) For the purposes of entitlement to universal credit, a person falling within a category or description of persons specified in paragraphs 2, 3 and 4 of Part I of the Schedule is a person to whom section 115 of the Act does not apply.”; and

(b) in paragraph (5)—

(i) after “entitlement to” insert “universal credit,”,

(ii) for “a jobseeker’s allowance” substitute “an income-based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995”, and

(iii) before “employment and support allowance” insert “income-related”.

(4) In the heading to Part I of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999)(**53**) after “entitlement to” insert “universal credit,”.

**Commencement Information**

**I13** Reg. 29 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendment of the Occupational and Personal Pension Schemes (Bankruptcy) Regulations [N.I.](#)**

**30.** In regulation 5(3)(b) of the Occupational and Personal Pension Schemes (Bankruptcy) Regulations (Northern Ireland) 2002 (exclusion orders)(**54**) after “Benefits Act 1992,” insert “universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

**Commencement Information**

**I14** Reg. 30 comes into operation in accordance with [reg. 1\(1\)](#)

(50) [S.R. 2000 No. 71](#)

(51) The definition of “income-related employment and support allowance” was added by regulation 23(2) of [S.R. 2008 No. 286](#)

(52) The definition of “personal independence payment” was inserted by regulation 24(2) of the Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 [S.R. 2016 No. 228](#)

(53) Part 1 of the Schedule was amended by regulation 23(5) of [S.R. 2008 No. 286](#)

(54) [S.R. 2002 No. 127](#)

## Amendment of the State Pension Credit Regulations **N.I.**

**31.**—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**55**) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the Computation of Earnings Regulations”(**56**) insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;

(b) for the definition of “contributory employment and support allowance”(**57**) substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform (Northern Ireland) Order 2015 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the 2015 Order that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(c) after the definition of “the Housing Benefit (State Pension Credit) Regulations”(**58**) insert—

““income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers (Northern Ireland) Order 1995;”;

(d) after the definition of “the Skipton Fund”(**59**) insert—

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

(3) In regulation 6(5)(b) (amount of the guarantee credit)(**60**) after “(carers allowance)” insert “, or has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016,”.

(4) In regulation 9(c) (qualifying income for the purposes of savings credit) omit “within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995”.

(5) In regulation 13A(1)(a) (part-weeks)(**61**) before “income support” insert “universal credit,”.

(6) In regulation 13B(1)(d) (date on which benefits are treated as paid)(**62**) omit “within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995”.

(7) In paragraph 1 of Part 1 of Schedule 1 (circumstances in which persons are treated as being or not being severely disabled)(**63**)—

(a) in sub-paragraph (1)(a)(iii) after the words “(carer’s allowance)” insert “, or has an award of universal credit which includes the carer element,”;

(55) [S.R. 2003 No.28](#)

(56) The definition of “the Computation of Earnings Regulations” was inserted by regulation 4 of [S.I. 2003/2175](#)

(57) The definition of “contributory employment and support allowance” was inserted by regulation 30(2)(b) of [S.R. 2008 No. 286](#)

(58) The definition of “the Housing Benefit (State Pension Credit) Regulations” was inserted by regulation 5 and paragraph 11(2) of Schedule 2 of [S.R. 2006 No. 407](#)

(59) The definition of “the Skipton Fund” was inserted by regulation 2(b)(ii) of [S.R. 2004 No. 213](#)

(60) Regulation 6(5)(b) was amended by Article 24(2) of [S.R. 2015 No. 124](#)

(61) Regulation 13A was inserted by regulation 23 of [S.R. 2003 No. 191](#) and amended by regulation 30 of [S.R. 2008 No. 286](#) and regulation 3 of [S.R. 2009 No. 409](#)

(62) Regulation 13B was inserted by regulation 23 of [S.R. 2003 No. 191](#) and amended by regulation 30 of [S.R. 2008 No. 286](#) and regulation 3 of [S.R. 2009 No. 409](#)

(63) Relevant amending regulations are regulation 4 of [S.R. 2007 No. 154](#), regulation 23(4) of [S.I. 2013/3021](#) and regulation 4(2)(a)(ii) of [S.R. 2014 No. 275](#)

- (b) in the closing words of sub-paragraph (1)(b)—
- (i) after the words “under section 70 of the Contributions and Benefits Act” insert “, or has an award of universal credit which includes the carer element,”; and
  - (ii) after the words “such an allowance” insert “under section 70, or has an award of universal credit which includes the carer element,”;
- (c) in sub-paragraph (1)(c)(iv) after the words “Contributions and Benefits Act” insert “, or has an award of universal credit which includes the carer element,”;
- (d) in sub-paragraph (2)(c) after the words “Contributions and Benefits Act” insert “, or as having an award of universal credit which includes the carer element,”; and
- (e) after sub-paragraph (3) insert—
- “(4) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 2 (housing costs)—
- (a) at the end of paragraph 1(2)(b)(iv)(**64**) insert—  
“or  
(v) is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations;” and
  - (b) in paragraph 14 (persons residing with the claimant)—
    - (i) at the end of sub-paragraph (7)(f) omit “or”
    - (ii) at the end of sub-paragraph (7)(g)(**65**) for “.” substitute “; or”
    - (iii) after sub-paragraph (7)(g) insert—  
“(h) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income.”; and
    - (iv) after sub-paragraph (8) insert—  
“(9) For the purposes of sub-paragraph (7)(h), “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (9) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income)—
- (a) in paragraph 20(2)(**66**), after paragraph (o)(**67**) insert—  
“(p) universal credit.”; and
  - (b) in paragraph 20A(2)(**68**)—

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(64) Paragraph 1(2)(b) was amended by regulation 7(4)(a) of [S.R. 2005 No.580](#), regulation 5(4) of [S.R. 2006 No.128](#), and regulation 30(8) of [S.R. 2008 No. 286](#)

(65) Paragraph 14(7) was amended by regulation 23(7)(c) of [S.R. 2003 No. 191](#), regulation 7(2) of [S.R. 2003 No. 261](#), regulation 6(5)(b)(ii) of [S.R. 2004 No. 394](#), regulation 7(4)(b) of [S.R. 2005 No. 580](#), regulation 14(5)(b) of [S.R. 2006 No. 359](#), regulation 5 and paragraph 11(4)(c) of Schedule 2 to [S.R. 2006 No. 407](#), regulation 30(8)(e) of [S.R. 2008 No. 286](#), regulation 5(3)(c) of [S.R. 2008 No. 428](#) and regulation 5 of [S.R. 2013 No. 67](#)

(66) Paragraph 20(2) was amended by regulation 2 of [S.R. 2003 No. 421](#), regulation 30(9) of [S.R. 2008 No. 286](#), regulation 4(5)(c) of [S.R. 2008 No. 498](#)

(67) Head (o) was added by regulation 30(9)(a) of [S.R. 2008 No. 286](#)

(68) Paragraph 20A was inserted by regulation 23(9)(b) of [S.R. 2003 No. 191](#), substituted by regulation 2(11)(f) of [S.R. 2003 No. 421](#), amended by regulation 5 of and paragraph 11(6) of Schedule 2 to [S.R. 2006 No. 407](#) and regulation 30(9)(b) of [S.R. 2008 No. 286](#)

- (i) at the end of paragraph (c) omit “or”, and
- (ii) at the end of paragraph (d) insert—
  - “or
  - (e) paragraph 18 of Schedule 10 to the Universal Credit Regulations (Northern Ireland) 2016.”.

#### Commencement Information

**I15** Reg. 31 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Social Security (Deferral of Retirement Pensions) Regulations **N.I.**

**32.** In regulation 3 of the Social Security (Deferral of Retirement Pensions) Regulations (Northern Ireland) 2005 (amount of retirement pension not included in the calculation of the lump sum)(**69**)—

- (a) in paragraph (1)(aa)(**70**)—
  - (i) at the end of paragraph (iii) omit “or”, and
  - (ii) at the end of paragraph (iv) insert—
    - “or
    - (v) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”;
- (b) for paragraph (5A)(**71**) substitute—
  - “(5A) In paragraph (1) “couple” has the meaning—
    - (a) in relation to universal credit, given by Article 45 of the Welfare Reform (Northern Ireland) Order 2015; and
    - (b) in relation to the other benefits referred to in paragraph (1)(a) or (aa), given by section 133(1) of the Contributions and Benefits Act.”.

#### Commencement Information

**I16** Reg. 32 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations **N.I.**

**33.**—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**72**) are amended in accordance with paragraphs (2) to (6).

- (2) In regulation 2 (interpretation)—
  - (a) In paragraph (1)—
    - (i) in the definition of “family”, at the beginning of sub-paragraph (c) insert “except where the claimant is in receipt of universal credit,”,

(69) S.R. 2005 No. 120

(70) Paragraph (1)(aa) was inserted by regulation 3(4)(a)(ii) of S.R. 2011 No. 109

(71) Paragraph (5A) was inserted by regulation 3(4)(c) of S.R. 2011 No. 109

(72) S.R. 2005 No. 506



- (ii) in the definition of “partner”, at the end of sub-paragraph (b) insert “except that paragraph (b) does not apply where the claimant is in receipt of universal credit”,
- (iii) after the definition of “Sure Start Maternity Grant” insert—
  - ““universal credit” means universal credit under Part 2 of the 2015 Order;”;
- (b) in paragraph (4)(b), at the beginning insert “except where the claimant is in receipt of universal credit.”.
- (3) In regulation 5(2) (entitlement)(73)—
  - (a) at the end of sub-paragraph (e) omit “or”;
  - (b) at the end of sub-paragraph (f) insert “or”; and
  - (c) after sub-paragraph (f) insert—
    - “(g) universal credit.”.
- (4) In regulation 7(4)(a) (funeral payments: entitlement)(74)—
  - (a) at the end of paragraph (vi) omit “or”;
  - (b) at the end of paragraph (vii) insert “or”; and
  - (c) after paragraph (vii) insert—
    - “(viii) universal credit.”.
- (5) After regulation 8(2)(b) (funeral payments: supplementary)(75) insert—
  - “(ba) a qualifying young person under Article 15(5) of the 2015 Order (prescription of qualifying young person);”
- (6) In regulation 10(1A)(76)—
  - (a) for sub-paragraph (g) substitute—
    - “(g) employment and support allowance under—
      - (i) Part 1 of the 2007 Act as amended by Schedule 3 and Part 1 of Schedule 2 to the 2015 Order (to remove references to an income related allowance), or
      - (ii) Part 1 of the 2007 Act as it has effect apart from the amendments made by Schedule 3 and Part of Schedule 12 to the 2015 Order;”;
  - (b) for sub-paragraph (o) substitute—
    - “(o) jobseeker’s allowance under—
      - (i) the 1995 Order as amended by Part 1 of Schedule 12 to the 2015 Order (to remove references to an income based allowance), or
      - (ii) the 1995 Order as it has effect apart from the amendments made by Part 1 of Schedule 12 to the 2015 Order;”;
  - (c) after sub-paragraph (ta)(77) insert—
    - “(tb) universal credit under Part 2 of the 2015 Order;”.

### Commencement Information

**I17** Reg. 33 comes into operation in accordance with **reg. 1(I)**

(73) Regulation 5(2) was amended by regulation 2(5) of [S.R. 2010 No. 378](#) and regulation 2(3)(a) of [S.R. 2011 No. 130](#)

(74) Regulation 7(4) was amended by regulation 34(4) of [S.R. 2008 No. 286](#)

(75) Regulation 8(2) was amended by regulation 6 of [S.R. 2006 No. 97](#)

(76) Paragraph (1A) was inserted by regulation 2(3)(b) of [S.R. 2013 No. 58](#) and amended by Article 25(2) of [S.I. 2013/3021](#)

(77) Sub-paragraph (ta) was inserted by regulation 22 of [S.R. 2015 No. 411](#)

## Amendment of the Housing Benefit Regulations **N.I.**

**34.**—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**78**) are amended in accordance with paragraphs (2) to (13).

(2) In regulation 2(1) (interpretation)(**79**)—

(a) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;” and

(b) after the definition of “training allowance” insert—

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

(3) In regulation 17(2) (persons of a prescribed description)(**80**)—

(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) entitled to an award of universal credit”.

(4) In regulation 25(11)(ba) and (ca) (treatment of child care charges)(**81**) after “Employment and Support Allowance Regulations ” insert “or the Employment and Support Allowance Regulations (Northern Ireland) 2016(**82**)”.

(5) In regulation 37(3A) (calculation of income other than earnings)(**83**) after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act(**84**)”.

(6) In regulation 53(2)(ea) (full-time students to be treated as not liable to make payments in respect of a dwelling)(**85**) after “Employment and Support Allowance Regulations” insert “or the Employment and Support Allowance Regulations (Northern Ireland) 2016”.

(7) In regulation 72 (non-dependant deductions)—

(a) in paragraph (8)(a) and (b)(**86**) after “the Welfare Reform Act (the support component and the work-related activity component)” insert “or who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income”; and

(b) after paragraph (10) insert—

“(11) For the purposes of paragraph (8) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(8) After regulation 73F(1)(h) (exception to the benefit cap: receipt of specified benefit)(**87**) insert—

(78) S.R. 2006 No. 405

(79) Regulation 2(1) was amended by regulation 3(2)(a)(iv) of S.R. 2008 No. 378 and regulation 26 of S.R. 2013 No. 3021

(80) Regulation 17(2) was amended by regulation 3(4)(c) of S.R. 2008 No. 378

(81) Regulation 25(11)(ba) and (ca) were inserted by regulation 3(9) of S.R. 2008 No. 378

(82) S.R. 2016 No. 219

(83) Paragraph (3A) was inserted by regulation 3(10) of S.R. 2008 No. 378

(84) Section 11J was inserted by Article 63(1) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)

(85) Sub-paragraph (ea) was inserted by regulation 3(12)(b) of S.R. 2008 No. 378

(86) Paragraph (8)(a) and (b) was amended by regulation 3(13) of S.R. 2008 No. 378

(87) Regulation 73F was inserted by regulation 3(5) of S.R. 2016 No. 55

- “(i) the claimant is receiving universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.
- (9) In regulation 99(5) (method of recovery)(**88**) after “Employment and Support Allowance Regulations ” insert “, regulation 39(1)(a) of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.
- (10) In Schedule 4 (applicable amounts)—
- (a) in paragraph 14 (severe disability premium)(**89**)—
- (i) in sub-paragraph (2)(a)(iii) after “section 70 of the Act” insert “or has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016”,
- (ii) in the closing words of sub-paragraph (2)(b)—
- (aa) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”; and
- (bb) after “such an allowance” insert “or has such an award of universal credit”,
- (iii) in sub-paragraph (5)(b)—
- (aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
- (bb) after “be so entitled and in receipt” insert “or have such an award of universal credit”;
- (iv) in sub-paragraph (6) after “carer’s allowance” insert “or universal credit which includes the carer element”, and
- (v) in sub-paragraph (7)—
- (aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
- (bb) after “that allowance” insert “or had such an award of universal credit”;
- (b) in paragraph 20 (amounts of premiums specified in Part III)(**90**)—
- (i) in sub-paragraph (6)(b)(i) after “carer’s allowance” insert “or who has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016”; and
- (ii) in sub-paragraph (6)(b)(ii) after “such an allowance” insert “or such an award of universal credit”;
- (c) in paragraph 21(c)(ii) (the components) after “Employment and Support Allowance Regulations” insert “or regulation 7 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”; and
- (d) in paragraph 27(1)(b)(i) (transitional addition) after “Employment and Support Allowance Regulations” insert “or regulation 26 of the Employment and Support Allowance Regulations (Northern Ireland) 2016, in either case”; and
- (e) in paragraph 29(1)(c)(**91**) after “Employment and Support Allowance Regulations” insert “or regulation 86 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.

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(88) Paragraph (5) was amended by regulation 2(4)(c) of [S.R. 2009 No. 382](#)

(89) Relevant amending regulations are regulation 7(5) of [S.R. 2007 No. 154](#), regulation 6(9)(c) of [S.R. 2009 No. 92](#) and Article 26(6) of [S.I. 2013/3021](#)

(90) Paragraph 20(6)(b) was amended by Article 19(7) of and Schedule 6 to [S.R. 2015 No. 124](#)

(91) Paragraph 29(1)(c) was substituted by regulation 3(d) of [S.R. 2016 No. 176](#)

(11) In paragraph 10A(6)(a) of Schedule 5 (sums to be disregarded in the calculation of earnings)(92) after “Employment and Support Allowance Regulations” insert “or regulation 39(1) (a), (b) or (c) of the Employment and Support Allowance Regulations 2016”.

(12) After paragraph 8(d) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)(93) insert—

“(e) universal credit.”.

(13) After paragraph 9(1)(f) of Schedule 7 (capital to be disregarded)(94) insert—

“(g) universal credit.”.

#### Commencement Information

**I18** Reg. 34 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations **N.I.**

**35.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(95) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation)(96)—

(a) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(b) after the definition of “training allowance” insert—

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

(3) In regulation 17(2) (persons of a prescribed description)(97)—

(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) entitled to an award of universal credit.”.

(4) In regulation 29(11)(ba) and (ca) (treatment of child care charges)(98) after “Employment and Support Allowance Regulations ” insert “or the Employment and Support Allowance Regulations (Northern Ireland) 2016”.

(5) In regulation 53 (non-dependant deductions)(99)—

(92) Paragraph 10A was inserted by regulation 2(6)(a) of S.R. 2009 No. 382

(93) Paragraph 8 was amended by regulation 3(19) of S.R. 2008 No. 378

(94) Paragraph 9(1)(f) was inserted by regulation 3(20) of S.R. 2008 No. 378

(95) S.R. 2006 No. 406

(96) Regulation 2 was amended by regulation 4(2)(a)(iv) of S.R. 2008 No. 378

(97) Regulation 17(2) was amended by regulation 4(4) of S.R. 2008 No. 378

(98) Regulation 29(11)(ba) and (ca) were inserted by regulation 4(6)(c)(i) and 4(6)(c)(ii) of S.R. 2008 No. 378

(99) Paragraph (8) was amended by regulation 4(9) of S.R. 2008 No. 378

- (a) in paragraph (8) after “work-related activity component)” in both places it occurs insert “or who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income”; and
- (b) after paragraph (10) insert—
  - “(11) For the purposes of paragraph (8) “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (6) In regulation 80(5) (method of recovery)(**100**) after “Employment and Support Allowance Regulations” insert “, regulation 39(1)(a) of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.
- (7) In Schedule 4 (applicable amounts)—
  - (a) in paragraph 6 (severe disability premium)(**101**)—
    - (i) in sub-paragraph (2)(a)(iii) after “carer’s allowance” insert “under section 70 of the Act or has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016”,
    - (ii) in the closing words of sub-paragraph (2)(b)—
      - (aa) after “carer’s allowance” insert “or has an award of universal credit that includes the carer element”; and
      - (bb) after “such an allowance” insert “or has such an award of universal credit”,
    - (iii) in sub-paragraph (7)(b)—
      - (aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
      - (bb) after “be so entitled and in receipt” insert “or have such an award of universal credit”,
    - (iv) in sub-paragraph (8)(a) after “carer’s allowance” insert “or an award of universal credit which includes the carer element”, and
    - (v) in sub-paragraph (8)(b)(**102**)—
      - (aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
      - (bb) after “that allowance” insert “or had such an award of universal credit”.
  - (b) in paragraph 12 (amounts of premiums specified in Part III)(**103**)—
    - (i) in sub-paragraph (1)(b)(i) after “carer’s allowance” insert “or who has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016,”; and
    - (ii) in sub-paragraph (1)(b)(ii) after “such an allowance” insert “or such an award of universal credit”.
- (8) In Schedule 5 (sums disregarded from claimant’s earnings)(**104**)—
  - (a) in paragraph 5(1)(d)(ii) after “Employment and Support Allowance Regulations” insert “or regulation 7 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”; and

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(**100**) Paragraph (5) was amended by regulation 3(5)(c) of [S.R. 2009 No.382](#)

(**101**) Paragraph 6 was amended by regulation 8(3) of [S.R. 2007 No. 154](#) and Article 27(7) of [S.I. 2013/3021](#)

(**102**) Sub-paragraph 8(b) was amended by regulation 10(3) of [S.R.2011 No. 291](#)

(**103**) Paragraph 12 was amended by Article 20(7) of [S.R. 2015 No. 124](#)

(**104**) Paragraph 5(1)(d) was added by regulation 7(6) of [S.R. 2009 No. 92](#)

- (b) in paragraph 5A(6)(a)(**105**) after “Employment and Support Allowance Regulations” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.
- (9) In paragraph 21(2) of Schedule 7 (capital to be disregarded)(**106**)—
- (a) at the end of paragraph (l) omit “or”;
- (b) at the end of paragraph (m) insert “or”; and
- (c) after paragraph (m) insert—
- “(n) universal credit.”.

#### Commencement Information

**I19** Reg. 35 comes into operation in accordance with [reg. 1\(I\)](#)

### Amendment of the Employment and Support Allowance Regulations **N.I.**

**36.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**107**) are amended in accordance with paragraphs (2) to (10).

- (2) In regulation 1—
- (a) for the heading substitute “citation, commencement and application”; and
- (b) after paragraph (2) insert—
- “(2A) These Regulations do not apply to a particular case on any day on which Article 39(1)(b) of the Welfare Reform (Northern Ireland) Order 2015 (abolition of income-related employment and support allowance) is in force and applies in relation to that case.”.
- (3) In regulation 2(1) (interpretation)—
- (a) after the definition of “confinement” insert—
- ““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;
- (b) after the definition of “net profit” insert—
- ““new style ESA” means an allowance under Part 1 of the Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance;”;
- (c) after the definition of “training allowance” insert—
- ““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.
- (4) In regulation 63(5) (reduction of employment and support allowance)—
- (a) after “contributory allowance” insert “including new style ESA”; and
- (b) after “this regulation” insert “or section 11J of the Act respectively”.

**(105)** Paragraph 5A was inserted by regulation 3(7) of [S.R. 2009 No. 382](#)

**(106)** Paragraph 21(2) was amended by regulation 4(13) of [S.R. 2008 No. 378](#), regulation 6(7) of [S.R. 2008 No. 498](#), regulation 7(3) of [S.R. 2013 No. 67](#) and Article 27(9) of [S.I. 2013/3021](#)

**(107)** [S.R. 2008 No. 280](#)

- (5) In regulation 93(2) (date on which income is treated as paid)—
- (a) for “or severe disablement allowance” substitute “, severe disablement allowance or universal credit”; and
  - (b) for “the day of the benefit week” substitute “on any day”.
- (6) In regulation 167(b) (modification in the calculation of income) after “income support” insert “, universal credit”.
- (7) In paragraph 6 (severe disability premium)(**108**) of Schedule 4 (amounts)—
- (a) in sub-paragraph (2)(a)(iii), for “a carer’s allowance under section 70 of the Contributions and Benefits Act” substitute “a carer’s allowance or has an award of universal credit which includes the carer element”;
  - (b) in the closing words of sub-paragraph (2)(b)—
    - (i) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”, and
    - (ii) after “such an allowance” insert “or has such an award of universal credit”;
  - (c) in sub-paragraph (5)(b)—
    - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”, and
    - (ii) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;
  - (d) in sub-paragraph (6) after “carer’s allowance” insert “or universal credit which includes the carer element”;
  - (e) in sub-paragraph (8)—
    - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”, and
    - (ii) after “that allowance” insert “or had such an award”;
  - (f) after sub-paragraph (9) insert—

“(10) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 6 (housing costs)—
- (a) in paragraph 1(3) (housing costs - meaning of disabled person)—
    - (i) at the end of paragraph (c) omit “or”,
    - (ii) at the end of paragraph (d) insert “or”, and
    - (iii) after paragraph (d) insert —
      - “(e) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that that person has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations;”;
  - (b) in paragraph 19(7) (non-dependant deductions)—
    - (i) at the end of paragraph (g) omit “or”,

- (ii) at the end of paragraph (h) insert “or”,
- (iii) after paragraph (h) insert—
  - “(i) if the non-dependant is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that the non-dependant does not have any earned income.”, and
- (iv) after sub-paragraph (7) insert—
  - “(7A) For the purposes of sub-paragraph (7)(i), “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (9) In paragraph 9(b) of Schedule 8, (sums to be disregarded in the calculation of income other than earnings)(109) after “income support” insert “, universal credit”.
- (10) In paragraph 11 of Schedule 9 (capital to be disregarded)—
  - (a) in sub-paragraph (1)(b) after “income-based jobseeker’s allowance” insert “, universal credit”;
  - (b) in sub-paragraph (3)—
    - (i) in head (a) and (b) after “income support” insert “, universal credit”,
    - (ii) at the end of head (b)(ii) omit “or”,
    - (iii) at the end of head (b)(iii) for the “.” substitute “; or”, and
    - (iv) after head (b)(iii) insert—
      - “(iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum”.

#### Commencement Information

**I20** Reg. 36 comes into operation in accordance with [reg. 1\(1\)](#)

## CHAPTER 2 **N.I.**

### CHILD SUPPORT

#### **Amendment of the Child Support (Maintenance Assessment Procedure) Regulations **N.I.****

**37.—**(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992(110) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation)

- (a) at the end of the definition of “relevant person” for “.” substitute “;”; and
- (b) after the definition of “relevant person” insert—

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

(3) In regulation 22 (date from which a superseding decision takes effect)(111)—

(109) Paragraph 9(b) was amended by regulation 3(32)(a) of [S.R. 2008 No. 413](#)

(110) [S.R. 1992 No. 340](#). The Regulations are revoked in certain cases by [S.R. 2001 No. 17](#) (as amended by [S.R. 2003 No. 469](#) and [S.R. 2003 No. 91](#)) and [S.R. 2012 No. 438](#)

(111) Regulation 22 was amended by regulation 4(5) of [S.R. 2000 No. 215](#), regulation 5(3) of [S.R. 2003 No. 224](#), regulation 2(5) of [S.R. 2005 No. 125](#), regulation 2(6) of [S.R. 2008 No. 404](#), regulation 2(3) of [S.R. 2009 No. 363](#), regulation 2(4) of [S.R. 2011 No. 226](#) and regulation 2 of [S.R. 2012 No. 163](#)



- (a) at the beginning of paragraphs (3), (5), (10), (12), (13) and (20) insert “Subject to paragraph (25),”;
- (b) at the beginning of paragraph (1) after “paragraph (2)” insert “or (25)”;
- (c) in paragraph (4) for “paragraph (19)” substitute “paragraphs (19) and (25)”;
- (d) after paragraph (24) insert—

“(25) Where a superseding decision is made under regulation 19(2) or (3) with respect to the circumstance that a parent with care or an absent parent—

- (a) has been awarded universal credit on the basis that they have no earned income;
- (b) was awarded universal credit on that basis and their award has been revised or superseded on the basis of their having, at the time the award was made or after that time, earned income; or
- (c) was awarded universal credit on the basis that they had earned income and their award has been revised or superseded on the basis of their not having, at the time the award was made or after that time, earned income,

the decision takes effect from the first day of the maintenance period in which the award of universal credit, or the revision or supersession of such an award, as the case may be, took effect or is due to take effect.

(26) For the purposes of paragraph (25) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”

#### Commencement Information

**I21** Reg. 37 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations **N.I.**

**38.**—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(**112**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “claimant” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Order as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Order as that Order has effect apart from those provisions;”;

(b) after the definition of “training allowance” insert—

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

(3) After regulation 10B (Assessable income: state pension credit paid to or in respect of a parent with care or an absent parent)(**113**) insert—

(**112**) S.R. 1992 No. 341; the Regulations were revoked in certain cases by S.R. 2001 No. 17 (as amended by S.R. 2003 No. 91) and S.R. 2012 No. 438

(**113**) Regulation 10B was inserted by regulation 3(4) of S.R. 2003 No. 469

**“Assessable income: universal credit paid to or in respect of the parent concerned**

**10C.**—(1) The circumstances prescribed for the purpose of the reference to universal credit in sub-paragraph (4) of paragraph 5 of Schedule 1 to the Child Support (Northern Ireland) Order 1991(**114**) (as that paragraph has effect apart from section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000) are where the universal credit that is paid to or in respect of the parent concerned is calculated on the basis that the parent has no earned income.

(2) In paragraph (1) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(4) After paragraph 7 of Schedule 2 (amounts to be disregarded when calculating or estimating N and M) insert—

“**7A.** Any payment of universal credit.”.

**Commencement Information**

**I22** Reg. 38 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendment of the Child Support Departure Direction and Consequential Amendments Regulations N.I.**

**39.**—(1) The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(**115**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1 (interpretation), after the definition of “relevant person” insert—

““relevant universal credit” means, in relation to an absent parent or parent with care, an award of universal credit made to the parent in question, where the award is calculated on the basis that the parent does not have any earned income;”

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

(a) after paragraph (2) insert—

“(3) For the purposes of the definition of “relevant universal credit” in paragraph (2), “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(3) In regulation 9 (departure directions and persons in receipt of income support etc.)(**116**)—

(a) in the heading to the regulation, after “jobseeker’s allowance” insert “, universal credit”;

(b) in paragraph (1)—

(i) in sub-paragraphs (a) and (c) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or relevant universal credit”, and

(ii) in sub-paragraph (b) for “or working tax credit” substitute “, working tax credit or relevant universal credit”; and

(c) in paragraph (3)—

(**114**) [S.I. 1991/2628 \(N.I. 23\)](#)

(**115**) [S.R. 1996 No. 541](#); The Regulations were revoked in certain cases by [S.R. 2001 No. 17](#) (amended by [S.R. 2003 No. 91](#) and [S.R. 2012 No. 438](#))

(**116**) Regulation 9 was substituted by regulation 9(3) of [S.R. 1998 No. 8](#) and amended by regulation 6(2) of [S.R. 2003 No. 84](#), regulation 4(2) of [S.R. 2003 No. 469](#) and regulation 21(3) of [S.R. 2008 No. 286](#)

- (i) in sub-paragraphs (a) and (c) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or relevant universal credit”; and
- (ii) in sub-paragraph (b) for “or working tax credit” substitute “, working tax credit or relevant universal credit”.

(4) In regulation 12 (meaning of “benefit” for the purposes of Article 28E of the Order)(**117**), for “and housing benefit” substitute “, housing benefit and relevant universal credit”.

#### Commencement Information

**I23** Reg. 39 comes into operation in accordance with **reg. 1(I)**

### Amendment of the Child Support (Maintenance Calculations and Special Cases)

#### Regulations **N.I.**

**40.**—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**118**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)(**119**)—

(a) after the definition of “child tax credit” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;” and

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”.

(3) In regulation 4 (flat rate)(**120**)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (c) omit “and”,

(ii) at the end of sub-paragraph (d) insert “and”, and

(iii) after sub-paragraph (d) insert—

“(e) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income.”; and

(b) after paragraph (3) insert—

“(4) For the purposes of paragraph (2)(e) and regulation 5(d) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(**117**) Regulation 12 was amended by regulation 6(3) of S.R. 2003 No. 84, regulation 4(3) of S.R. 2003 No. 469 and regulation 21(4) of S.R. 2008 No. 286

(**118**) S.R. 2001 No.18; The Regulations were revoked in certain cases by S.R. 2012 No. 438

(**119**) In regulation 1(2) the definition of “child tax credit” was inserted by regulation 9(2)(a) of S.R. 2003 No. 84

(**120**) Regulation 4(2) was amended by regulation 33(3) of S.R. 2003 No. 191 and regulation 26(3)(b)(i) of S.R. 2008 No. 286

- (4) In regulation 5(1)(d) (nil rate)(121)—
- (a) at the end of paragraph (i) omit “or”;
  - (b) after paragraph (ii) insert—
    - “(iii) in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that they do not have any earned income; or
    - (iv) in a case not covered by paragraph (iii), a member of a couple where their partner is in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 and the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income;”.

#### Commencement Information

**I24** Reg. 40 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Child Support Maintenance Calculation Regulations **N.I.**

**41.**—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(122) are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 2 (interpretation)—
- (a) after the definition of “the Contributions and Benefits Act” insert—
    - ““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”, and
  - (b) for the definition of “contributory employment and support allowance” substitute—
    - ““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;”.
- (3) In regulation 43 (flat rate)—
- (a) in paragraph (2)—
    - (i) at the end of paragraph (c) omit “and”, and
    - (ii) at the end of paragraph (d) insert “and”,
    - (iii) after paragraph (d) insert—
      - “(e) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income.”; and
  - (b) after paragraph (4) insert—

(121) Regulation 5(d) was amended by regulation 26(4) of S.R. 2008 No. 286

(122) S.R. 2012 No. 427

“(5) For the purposes of paragraph (2)(e) and regulation 44(1)(c) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(4) In regulation 44(1)(c) (nil rate)—

(a) at the end of paragraph (i) omit “or”; and

(b) after paragraph (ii) insert—

“(iii) in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that they do not have any earned income; or

(iv) in a case not covered by paragraph (iii), a member of a couple where their partner is in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 and the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income;”.

**Commencement Information**

**I25** Reg. 41 comes into operation in accordance with [reg. 1\(1\)](#)

CHAPTER 3 **N.I.**

CHILDREN

**Amendment of the Adoption Allowance Regulations **N.I.****

**42.**—(1) The Adoption Allowance Regulations (Northern Ireland) 1996(**123**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) at the end of the definition of “severe disablement allowance” for “.” Substitute” “.”; and

(b) after the definition of “severe disablement allowance” insert—

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

(3) In regulation 6(5)(c) (review, variation and termination of allowances) after “qualifies for” insert “universal credit”.

**Commencement Information**

**I26** Reg. 42 comes into operation in accordance with [reg. 1\(1\)](#)

CHAPTER 4 **N.I.**

## EDUCATION AND EMPLOYMENT

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

**43.**—(1) The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations (Northern Ireland) 1996(**124**) 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)(**125**)—

(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)(**126**) after “income-related employment and support allowance” insert “, universal credit”.

(6) In regulation 8 (recoupment of benefit)(**127**)—

(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

(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

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(124) S.R. 1996 No. 459

(125) Regulation 2(1) was amended by regulation 5 of S.R. 2010 No. 345

(126) Regulation 4 was amended by regulation 5 of S.R. 2010 No. 345

(127) Regulation 8 was amended by regulation 5 of S.R. 2010 No. 345

(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)(128) after “income-related employment and support allowance” insert “, universal credit”.

#### Commencement Information

**I27** Reg. 43 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Education (Student Loans) Regulations **N.I.**

**44.** In paragraph 1 of Schedule 2 to the Education (Student Loans) Regulations (Northern Ireland) 1998 (terms of loans)(129) 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(130) or the Social Security Contributions and Benefits (Northern Ireland) Act 1992(131);
- (b) personal independence payment under Part 4 of the Welfare Reform Act 2012(132) or Part 5 of the Welfare Reform (Northern Ireland) Order 2015(133);
- (c) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(134);
- (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(135) or the Income Support (General) Regulations (Northern Ireland) 1987(136);
- (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(137) or regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016(138)(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;”.

(128) 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

(129) S.R. 1998 No. 58

(130) 1992 c. 4

(131) 1992 c. 7

(132) 2012 c. 5

(133) S.I. 2015/2006 (N.I. 1)

(134) S.I. 2011/517

(135) S.I. 1987/1967

(136) SR. 1987 No. 459

(137) S.I. 2013/376

(138) SR. 2016 No. 216

### Commencement Information

**I28** Reg. 44 comes into operation in accordance with [reg. 1\(1\)](#)

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

**45.**—(1) The Education (Student Support) (No. 2) Regulations (Northern Ireland) 2009(**139**) 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)(**140**)—

- (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(**141**) (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)(**142**) substitute—

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

- (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)(**143**)—

- (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)—

(**139**) [S.R. 2009 No. 373](#)

(**140**) Regulation 43 was amended by regulation 6 of [S.R. 2012 No. 398](#)

(**141**) [S.R. 2016 No. 216](#)

(**142**) 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](#)

(**143**) 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](#)



- (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

**I29** Reg. 45 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the National Minimum Wage Regulations **N.I.**

**46.** In regulation 55(2)(a) of the National Minimum Wage Regulations 2015(**144**) (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

**I30** Reg. 46 comes into operation in accordance with [reg. 1\(1\)](#)

## CHAPTER 5 **N.I.**

### HOUSING

### Amendment of the Home Repair Assistance Grant Regulations **N.I.**

**47.—**(1) The Home Repair Assistance Grant Regulations (Northern Ireland) 2003(**145**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “income support” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015(**146**);”.

(3) In regulation 2(1) (applications for assistance) after “pension credit,” insert “universal credit”.

(4) In paragraph 4 of Schedule 1 after “an income-based jobseeker’s allowance,” insert “universal credit;”.

(144) S.I. 2015/621

(145) S.R. 2003 No. 464

(146) S.I. 2015/2006 (N.I. 1)

### Commencement Information

**I31** Reg. 47 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Housing Renewal Grants (Reduction of Grant) Regulations **N.I.**

**48.**—(1) The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(**147**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)(**148**) after the definition of “training allowance” insert—  
 ““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;” and

(3) For regulation 11(2) (the applicable amount)(**149**) substitute—

“(2) For the purposes of paragraph (1), the weekly applicable amount as regards any of the persons listed in paragraph (3) is £1.

(3) The persons are—

(a) a relevant person who is in receipt of, and entitled to be in receipt of—

- (i) income support;
- (ii) income-based jobseeker’s allowance; or
- (iii) universal credit;

(b) a relevant person who—

- (i) is in receipt of guarantee credit; or
- (ii) is a member of a couple, and the other member is in receipt of guarantee credit;

(c) subject to paragraph (5), a relevant person who has a partner, where the partner is entitled to universal credit.

(4) As regards any other relevant person, the weekly applicable amount is the amount determined in his case in accordance with regulation 15.

(5) For the purposes of paragraph (3)(c) and regulation 12(2)(b), where the relevant person and partner of that person are parties to a polygamous marriage, the fact that they are partners is disregarded if—

- (a) one of them is a party to an earlier marriage that still subsists; and
- (b) the other party to that earlier marriage is living in the same household.”.

(4) In regulation 12 (financial resources)—

(a) at the beginning insert “(1)”; and

(b) at the end insert—

“(2) Subject to regulation 11(5), where a relevant person in the case of the application—

- (a) is entitled to universal credit; or
- (b) is not entitled to universal credit but their partner is so entitled,

then the income of that relevant person for the purposes of paragraph (1) shall be taken to be nil.”.

(**147**) S.R. 2004 No. 8

(**148**) Regulation 2(1) was amended by paragraph 12(2)(b) of Schedule 2 to S.R. 2006 No. 407 and Article 24(2) of S.I. 2013/3021

(**149**) Regulation 11 was amended by paragraph 19(2) of the Schedule to S.I. 2005/520 and regulation 8 of S.R. 2006 No. 452

**Commencement Information**

**I32** Reg. 48 comes into operation in accordance with [reg. 1\(1\)](#)

CHAPTER 6 **N.I.**

IMMIGRATION AND ASYLUM

**Amendment of Asylum Support Regulations **N.I.****

**49.** In regulation 4(6)(a)(iv) of the Asylum Regulations 2000 (persons excluded from support)(**150**) after the “Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

**Commencement Information**

**I33** Reg. 49 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendment of the Displaced Persons (Temporary Protection) Regulations **N.I.****

**50.** In regulation 14 of the Displaced Persons (Temporary Protection) Regulations 2005(**151**) (housing: rent liability)—

- (a) in paragraph (a) from “regulation 10(1)(a) to the end substitute “regulation 13(1)(a) of the Housing Benefit Regulations (Northern Ireland) 2006, regulation 13(1)(a) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006”;
- (b) in paragraph (b) after “Universal Credit Regulations 2013” insert “or regulation 26(2) of, and paragraph 2 of Schedule 1 to, the Universal Credit Regulations (Northern Ireland) 2016”.

**Commencement Information**

**I34** Reg. 50 comes into operation in accordance with [reg. 1\(1\)](#)

CHAPTER 7 **N.I.**

NATIONAL INSURANCE CONTRIBUTIONS AND CREDITS

**Amendment of the Social Security (Credits) Regulations **N.I.****

**51.—**(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(**152**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation)—

(a) before the definition of “the Act” insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;”;

(b) for the definition of “contribution-based jobseeker’s allowance” substitute—

(**150**)S.I. 2000/704; regulation 4 was amended by regulation 11 of S.I. 2008/1879 and regulation 59 of S.I. 2013/630  
(**151**)S.I. 2005/1379; regulation 14 was amended by paragraph 26 of Schedule 2 to S.I. 2006/217 and regulation 60 of S.I. 2013/630  
(**152**)SR. 1975 No. 113

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based allowance, and a contribution-based allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(c) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12 to the 2015 Order that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(d) after the definition of “relevant past year” insert—

““universal credit” means universal credit under Part 2 of the 2015 Order;”.

(3) In regulation 7 (credits for approved training)(**153**)—

(a) in paragraph (1) for “(2) and (3)” substitute “(2) to (4)”; and

(b) after paragraph (3) insert—

“(4) Paragraph (1) shall not apply to a person in respect of any week in any part of which that person was entitled to universal credit.”.

(4) In regulation 8A (credits for unemployment)(**154**)—

(a) for paragraph (2)(b) substitute—

“(b) a week for the whole of which the person in relation to old style JSA—

(i) satisfied or was treated as having satisfied the conditions set out in Article 3(2)(a), (c) and (e) to (h) of the Jobseekers (Northern Ireland) Order 1995 (conditions for entitlement to a jobseeker’s allowance), and

(ii) satisfied the further condition specified in paragraph (3) below; or

(ba) a week for the whole of which the person in relation to new style JSA—

(i) satisfied or was treated as having satisfied the conditions set out in Article 3(2)(e) to (h) of the Jobseekers (Northern Ireland) Order 1995 (conditions for entitlement to a jobseeker’s allowance),

(ii) satisfied or was treated as having satisfied the work-related requirements under Article 8D and 8E of the Jobseekers (Northern Ireland) Order 1995 (work search and work availability requirements), and

(iii) satisfied the further condition specified in paragraph (3) below; or”;

(b) in paragraph (2)(c) after “sub-paragraph (b)” insert “or (ba)”;

(c) in paragraph (3) after “paragraph (2)(b)” insert “and (ba)”;

(d) in paragraph (3)(b) after “paragraph (2)(b)” insert “or the conditions and requirements in paragraph (2)(ba)”;

(e) for paragraph (5)(c) and (5)(cc) substitute—

“(c) a week in respect of which, in relation to the person concerned—

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(153) Regulation 7 was amended by regulation 2(2) of S.R. 1978 No. 77, regulation 5(a) of S.R. 1987 No. 153, regulation 2(a) of S.R. 1988 No. 298, regulation 2(5)(b) of S.R. 1988 No. 326 and regulation 2(b) of S.R. 1989 No. 368

(154) Regulation 8A was inserted by regulation 2(6) of S.R. 1996 No. 430 and amended by regulation 3 of S.R. 2000 No. 404, regulation 3 of S.R. 2001 No. 120, regulation 2(4) of S.R. 2002 No. 80, regulation 7(5) of S.R. 2008 No. 286, regulation 3(3) of S.R. 2011 No. 291, regulation 3(1) of S.R. 2012 No. 44 and regulation 2 of S.R. 2013 No. 246

- (i) an old style JSA was reduced in accordance with Article 21 or 21A, or regulations made under Article 21B, of the Jobseekers (Northern Ireland) Order 1995; or
    - (ii) a new style JSA was reduced in accordance with Article 8J or 8K of the Jobseekers (Northern Ireland) Order 1995; or”;
  - (f) after paragraph (5)(dd) insert—
    - “(de) a week where paragraph (2)(b), (ba) or (c) apply and the person concerned was entitled to universal credit for any part of that week; or”;
  - (g) after paragraph (5) insert—
    - “(6) In this regulation—
      - “new style JSA” means a jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based allowance;
      - “old style JSA” means a jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995 as it has effect apart from the amendments made by Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based allowance.”.
  - (5) In regulation 8B (credits for incapacity for work or limited capability for work)**(155)**—
    - (a) in paragraph (2) after “paragraphs” insert “(2A),”;
    - (b) after paragraph (2) insert—
      - “(2A) This regulation shall not apply to a week where—
        - (a) under paragraph (2)(a)(i) the person concerned was not entitled to incapacity benefit, severe disablement allowance or maternity allowance;
        - (b) paragraph (2)(a)(ii) or (v) apply; or
        - (c) under paragraph (2)(a)(iv) the person concerned was not entitled to an employment and support allowance by virtue of section 1(2)(a) of the Welfare Reform Act,
- and the person concerned was entitled to universal credit for any part of that week.”.
- (6) After regulation 8F (credits for the purposes of entitlement to contribution-based jobseeker’s allowance following official error) insert—

**“Credits for persons entitled to universal credit**

**8G.**—(1) For the purposes of entitlement to a benefit to which this regulation applies, a person shall be credited with a Class 3 contribution in respect of a week if that person is entitled to universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 for any part of that week.

- (2) This regulation applies to—
  - (a) a Category A retirement pension;
  - (b) a Category B retirement pension;
  - (c) a widowed parent’s allowance;
  - (d) a bereavement allowance.”.

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**(155)** Regulation 8B was inserted by regulation 2(6) of [S.R. 1996 No. 430](#) and amended by regulation 3 of [S.R. 2000 No. 404](#), regulation 2 of [S.R. 2003 No. 151](#), regulation 2(3) of [S.R. 2007 No. 306](#), regulation 7(6) of [S.R. 2008 No. 286](#) and regulation 2(2) of [S.R. 2010 No. 109](#)

#### Modifications etc. (not altering text)

- C1** Reg. 51(6) amended (6.4.2017) by [The Pensions \(2015 Act\) \(Consequential, Supplementary and Incidental Amendments\) Order \(Northern Ireland\) 2017 \(S.R. 2017/66\)](#), **art. 30**, reg. 1(2)(c) (with arts. 2, 3)

#### Commencement Information

- I35** Reg. 51 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations **N.I.**

**52.** In regulation 1(2) of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations (Northern Ireland) 2001(**156**) (interpretation)—

- (a) for the definition of “contribution-based jobseeker’s allowance” and “income-based jobseeker’s allowance” substitute—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Order as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Order as that Order has effect apart from those provisions;”;

- (b) for the definition of “contributory employment and support allowance”(**157**) substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

- (c) after the definition of “earnings factor”, insert—

““income-based jobseeker’s allowance” has the same meaning as in the Order;”.

#### Commencement Information

- I36** Reg. 52 comes into operation in accordance with [reg. 1\(1\)](#)

### Amendment of the Transfer of State Pensions and Benefits Regulations **N.I.**

**53.** In regulation 1(2) of the Transfer of State Pensions and Benefits Regulations 2007 (interpretation)(**158**) in the definition of “relevant benefit”(**159**)—

- (a) for paragraph (ca) substitute—

“(ca) a jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as it has effect apart from those provisions;”;

(156) S.R. 2001 No. 102

(157) The definition of “contributory employment and support allowance” was inserted by regulation 28(2)(c) of S.R. 2008 No. 286

(158) S.I. 2007/1398

(159) The definition of “relevant benefit” was amended by regulation 3(2)(c) of S.I. 2010/1825 and regulation 74(2) of S.I. 2013/630

(b) for paragraph (da) substitute—

“(da) employment and support allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;”.

**Commencement Information**

**I37** Reg. 53 comes into operation in accordance with [reg. 1\(1\)](#)

CHAPTER 8 **N.I.**

POLICE SERVICE of NORTHERN IRELAND

**Amendment of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations **N.I.****

**54.** In paragraph 1(1) of Schedule 4 to the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(**160**) (reduction in child’s special allowance during full-time remunerated training etc) in the definition of “specified rate” from “applicable amount” to “1987” substitute “standard allowance included in an award of universal credit, for a single claimant aged under 25 years, as specified in regulation 38 of the Universal Credit Regulations (Northern Ireland) 2016(**161**)”.

**Commencement Information**

**I38** Reg. 54 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendment of the Police Pension Regulations **N.I.****

**55.** In regulation 39(9) of the Police Pension (Northern Ireland) Regulations 2009 (calculation of child survivors’ pensions)(**162**) in the definition of “specified rate” from “applicable amount” to “1987” substitute “standard allowance included in an award of universal credit, for a single claimant aged under 25 years, as specified in regulation 38 of the Universal Credit Regulations (Northern Ireland) 2016”.

**Commencement Information**

**I39** Reg. 55 comes into operation in accordance with [reg. 1\(1\)](#)

CHAPTER 9 **N.I.**

TAX, CHILD BENEFIT, GUARDIAN’S ALLOWANCE AND TAX CREDITS

**Amendment of the Tax Credits (Administrative Arrangements) Regulations **N.I.****

**56.** In regulation 5(6)(c) of the Tax Credits (Administrative Arrangements) Regulations 2002 (recording, verification and holding, and forwarding, of claims etc. received by relevant

(160) S.R. 2006 No. 268

(161) S.R. 2016 No. 216

(162) S.R. 2009 No. 79

authorities)(163) after “Part 1 of the Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

**Commencement Information**

**I40** Reg. 56 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendments of the Child Benefit and Guardian’s Allowance (Administration) Regulations** **N.I.**

**57.** In regulation 19(1)(b)(v) of the Child Benefit and Guardian’s Allowance (Administration) Regulations 2003 (persons who may elect to have child benefit paid weekly)(164) after “Part 1 of the Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

**Commencement Information**

**I41** Reg. 57 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendment of the Child Benefit and Guardian’s Allowance (Administrative Arrangements) Regulations** **N.I.**

**58.** In regulation 5(8)(c) of the Child Benefit and Guardian’s Allowance (Administrative Arrangements) Regulations 2003 (recording, verification and holding, and forwarding, of claims etc. received by relevant authorities)(165) after “Part 1 of the Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

**Commencement Information**

**I42** Reg. 58 comes into operation in accordance with [reg. 1\(1\)](#)

**Amendment of the Income Tax (Pay As You Earn) Regulations** **N.I.**

**59.** In regulation 148 of the Income Tax (Pay As You Earn) Regulations 2003 (interpretation of Chapters 1 and 2)(166) in the entry for “Chapter 2 claimant”, in paragraph (b)(ii) after “Jobseeker’s Allowance Regulations 2013” insert “or Jobseeker’s Allowance Regulations (Northern Ireland) 2016”.

**Commencement Information**

**I43** Reg. 59 comes into operation in accordance with [reg. 1\(1\)](#)

(163) S.I. 2002/3036; Regulation 5 was amended by regulation 80 of S.I. 2013/630  
 (164) S.I. 2003/492; Regulation 19 was amended by regulation 2(5) of S.I. 2006/203, regulation 3(4) of S.I. 2009/3268 and regulation 81 of S.I. 2013/630  
 (165) S.I. 2003/494; Regulation 5 was amended by regulation 3(3) of S.I. 2006/203 and regulation 82 of S.I. 2013/630  
 (166) S.I. 2003/2682; Regulation 148 was amended by regulation 83 of S.I. 2013/630



## Amendments to the Child Benefit (General) Regulations **N.I.**

**60.** In regulation 8(2)(f) of the Child Benefit (General) Regulations 2006 (child benefit not payable in respect of qualifying young person: other financial support)(**167**), after “Part 1 of the Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

### Commencement Information

**I44** Reg. 60 comes into operation in accordance with [reg. 1\(1\)](#)

## CHAPTER 10 **N.I.**

### LEGAL AID

## Amendments to the Civil Legal Services (Financial) Regulations **N.I.**

**61.**—(1) The Civil Legal Services (Financial) Regulations (Northern Ireland) 2015(**168**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(1)—

- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) insert “or”; and
- (c) after sub-paragraph (d) insert—

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

(3) In regulation 30—

- (a) in the heading after “income support” insert “or universal credit”; and
- (b) in paragraph (2) after “income support” insert “or universal credit”.

### Commencement Information

**I45** Reg. 61 comes into operation in accordance with [reg. 1\(1\)](#)

(**167**)S.I. 2006/223; Regulation 8 was amended by regulation 24 of S.I. 2008/1879, regulation 11 of S.R. 2008 No. 412 and regulation 84 of S.I. 2013/630  
(**168**)S.R. 2015 No. 196

**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, PART 3.