
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 79

**The Social Security (Restrictions on Amounts
for Children and Qualifying Young Persons)
(Amendment) Regulations (Northern Ireland) 2017**

Universal Credit – transitional arrangements regarding restrictions on availability of the child element

3.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(1) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation) after the definition of “personal independence payment” insert—

““qualifying young person” has the same meaning as in the Universal Credit Regulations, but see also regulation 29;”.

(3) After regulation 39 (loss of benefits penalties maximum total reduction) insert—

“PART 3

ARRANGEMENTS REGARDING CHANGES TO THE CHILD ELEMENT

Restriction on claims for universal credit during the interim period

40.—(1) During the interim period, no claim may be made for universal credit by a person who is responsible for more than two children or qualifying young persons, unless it is—

- (a) a claim to which regulation 22(7) of the Universal Credit Regulations (new claim within 6 months of a previous award terminating) applies; or
- (b) a claim made by a single person within one month of an award of universal credit terminating because that person ceased to be a member of a couple.

(2) The “interim period” is the period beginning with and including the day on which the Universal Credit Regulations (Northern Ireland) 2016 come into operation and ending with 31st October 2018, but may be extended by the Department if the Department considers it necessary to do so in order to protect the efficient administration of universal credit.

Availability of the child element where maximum exceeded - transitionally protected children and qualifying young persons

41.—(1) A child or qualifying young person for whom the claimant is responsible (“A”) is “transitionally protected” for the purposes of regulation 25A of the Universal Credit

Regulations (availability of the child element where maximum exceeded)(2), in the following circumstances.

(2) For the purposes of calculating an award of universal credit in respect of an assessment period in which the interim period begins or that falls wholly within the interim period, the circumstances are that—

- (a) A was born before 6th April 2017; and
- (b) there are at least two other children or qualifying young persons for whom the claimant (or either of joint claimants) is responsible who were born before 6th April 2017 and who precede A in the order determined by regulation 25B of the Universal Credit Regulations (order of children and qualifying young persons)(3).

(3) For the purposes of calculating an award of universal credit in respect of an assessment period in which the interim period ends or that begins after the end of the interim period, the circumstances are that—

- (a) A was born before 6th April 2017;
- (b) the claimant (or either of joint claimants) meets the following condition in respect of A—
 - (i) on the last day of the interim period, the claimant was entitled to an award of universal credit (or was in a period of non-entitlement between connected awards) and was responsible for A; or
 - (ii) if paragraph (i) does not apply, within the 6 months immediately preceding the first day on which the claimant first became entitled to an award of universal credit after the interim period ended, the claimant was in receipt of an individual element of child tax credit for A or was entitled to an award of income support or old style JSA where an amount in respect of A was included in the applicable amount,

and since the day mentioned in paragraph (i) or (ii) (whichever is applicable), the claimant has not ceased to be responsible for A or ceased to be entitled to universal credit (apart from a period of non-entitlement between connected awards); and

- (c) there are at least two other children or qualifying young persons born before 6th April 2017—
 - (i) in respect of whom the claimant (or either of joint claimants) meets the condition in sub-paragraph (b); and
 - (ii) who precede A in the order determined by regulation 25B of the Universal Credit Regulations.
- (4) In paragraph (3)(b) two awards are connected awards if the later award was made—
- (a) as a consequence of the earlier award having terminated when the claimant ceased to be a member of a couple or became a member of a couple; or
 - (b) in any other circumstances in which the assessment periods for the later award begin on the same day of each month as the assessment periods for the earlier award under regulation 22 (assessment periods) of the Universal Credit Regulations.
- (5) “Interim period” has the same meaning as in regulation 40(2).

(2) Regulation 25A is inserted by regulation 2(3) of these Regulations.

(3) Regulation 25B is inserted by regulation 2(3) of these Regulations.

Availability of the child element where maximum exceeded – continuation of exception from a previous award of child tax credit, income support or old style JSA

42.—(1) Where—

- (a) the claimant (“C”) is the step-parent of a child or qualifying young person (“A”); and
- (b) within the 6 months immediately preceding the first day on which C became entitled to an award of universal credit, C had an award of child tax credit, income support or old style JSA in which an exception corresponding with an exception under paragraph 2, 3, 5 or 6 of Schedule 12 to the Universal Credit Regulations⁽⁴⁾ (availability of the child element where maximum exceeded – exceptions) applied in respect of A,

paragraph 6 of that Schedule is to apply as if sub-paragraph (c) of that paragraph were satisfied, despite the fact that the previous award was not an award of universal credit.

(2) In this regulation “step-parent” has the same meaning as in the Universal Credit Regulations.

Evidence for non-consensual conception where claimant previously had an award of child tax credit

43.—(1) This regulation applies for the purposes of paragraph 5 of Schedule 12 to the Universal Credit Regulations (exception for non-consensual conception).

(2) The Department may treat the condition in sub-paragraph (3)(a) of paragraph 5 as met if the Department is satisfied that the claimant has previously provided the evidence referred to in that sub-paragraph to the Commissioners for her Majesty’s Revenue and Customs for the purposes of the corresponding exception in relation to child tax credit.

Abolition of higher amount of the child element for first child or qualifying young person – saving where claimant responsible for a child or qualifying young person born before 6th April 2017

44. Article 10(5)(b) of the Welfare Reform and Work (Northern Ireland) Order 2016⁽⁵⁾ (which amends the Universal Credit Regulations by omitting the amount of the child element payable for the first child or qualifying young person) does not apply where the claimant is responsible for a child or qualifying young person born before 6th April 2017.”.

(4) Schedule 12 is inserted by regulation 2(4) of these Regulations.

(5) S.I. 2016/999 (N.I. 1).