
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 172

SOCIAL SECURITY

The Income-Related Benefits (Local Welfare Provision Disregard) (Amendment) Regulations (Northern Ireland) 2022

Made - - - - *26th April 2022*

Coming into operation *4th May 2022*

The Department for Communities⁽¹⁾ makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 132(3) and (4)(b), 132A(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾, Articles 14(1) and (4) (b) and 36(1) and (2) of the Jobseekers (Northern Ireland) Order 1995⁽³⁾, sections 15(3) and (6)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002⁽⁴⁾, and now vested in it⁽⁵⁾, sections 17(1) and (3)(b) and 25(1) and (2) of the Welfare Reform Act (Northern Ireland) 2007⁽⁶⁾ and Article 48(1) and (2) of, and paragraph 4(1) and (3)(a) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015⁽⁷⁾.

The Powers are exercisable by the Department for Communities by virtue of Article 2 the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020⁽⁸⁾.

Regulations 5 and 6 are made with the consent of the Department of Finance⁽⁹⁾.

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Communities that by reason of the urgency of the matter it was expedient not to do so⁽¹⁰⁾.

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- (1) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
- (2) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
- (3) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (4) 2002 c. 14 (N.I.)
- (5) See Article 8(b) of S.R. 1999 No. 481
- (6) 2007 c. 2 (N.I.); section 25(2) was amended by Article 57(2)(b) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))
- (7) S.I. 2015/2006 (N.I. 1)
- (8) S.I. 2020/927
- (9) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016
- (10) See sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income-Related Benefits (Local Welfare Provision Disregard) (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 4th May 2022.

(2) The Interpretation Act (Northern Ireland) 1954(11) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General Regulations (Northern Ireland) 1987(12) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) interpretation after the definition of “liable relative” insert—

““local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.

(3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings) after paragraph 31(13) insert—

“31A. Any local welfare provision.”.

(4) In Schedule 10 (capital to be disregarded) after paragraph 18(14) insert—

“18A. Any local welfare provision.”.

Amendment of the Jobseeker’s Allowance Regulations

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(15) are amended in accordance with paragraphs (2) to (4).

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

““local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or

(11) 1954 c. 33 (N.I.)

(12) S.R. 1987 No. No. 459; relevant amending Regulations are S.R. 1992 No. 147 and S.R. 2008 No. 498

(13) Paragraph 31 was substituted by regulation 13(a) of S.R. 1992 No. 147 and amended by regulation 2(6)(f) of S.R. 2008 No. 498

(14) Paragraph 18 was substituted by regulation 14(a) of S.R. 1992 No. 147 and amended by regulation 2(7)(a) of S.R. 2008 No. 498

(15) S.R. 1996 No. 198

- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.”
- (3) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 33 insert—
 - “**33A.** Any local welfare provision.”.
- (4) In Schedule 7 (capital to be disregarded) after paragraph 23 insert—
 - “**23A.** Any local welfare provision.”.

Amendment of the State Pension Credit Regulations

4.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(16) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the Jobseeker’s Allowance Regulations” insert—

““local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.”
- (3) In Schedule 5 (income from capital) after paragraph 20(1)(d)(17) insert—
 - “(da) by way of local welfare provision including arrears and payments in lieu of local welfare provision, or”.”

Amendment of the Housing Benefit Regulations

5.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(18) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “local housing allowance”(19) insert—

““local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and

(16) S.R. 2003 No. 28; relevant amending Regulation is S.R. 2003 No. 421

(17) Paragraph 20(1)(d) was substituted by regulation 2(11)(d) of S.R. 2003 No. 421

(18) S.R. 2006 No. 405; relevant amending Regulation is S.R. 2008 No. 101

(19) The definition of “local housing allowance” was inserted by regulation 2(2)(e) of S.R. 2008 No. 101

- (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.”
- (3) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) after paragraph 32 insert—

“**32A.** Any local welfare provision.”.
- (4) In Schedule 7 (capital to be disregarded) after paragraph 21 insert—

“**21A.** Any local welfare provision.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

- 6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**20**) are amended in accordance with paragraphs (2) and (3).
- (2) In regulation 2(1) (interpretation) after the definition of “local housing allowance”(b) insert—

““local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

 - (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
 - (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.”
- (3) In Schedule 7 (capital to be disregarded) after paragraph 21(1)(e) insert—

“(ea) by way of local welfare provision including arrears and payments in lieu of local welfare provision;”.”

Amendment of the Employment and Support Allowance Regulations

- 7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**22**) are amended in accordance with paragraphs (2) to (4).
- (2) In regulation 2(1) (interpretation) after the definition of “limited capability for work assessment” insert—

““local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

(20) S.R. 2006 No. 406; relevant amending Regulation is S.R. 2008 No. 102

(21) The definition of “local housing allowance” was inserted by regulation 2(2)(e) of S.R. 2008 No. 102

(22) S.R. 2008 No. 280

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
 - (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.
- (3) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings) after paragraph 34 insert—
“**34A.** Any local welfare provision.”.
- (4) In Schedule 9 (capital to be disregarded) after paragraph 23 insert—
“**23A.** Any local welfare provision.”.

Amendment of the Universal Credit Regulations

8.—(1) The Universal Credit Regulations (Northern Ireland) 2016(**23**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2 (interpretation), after the definition of “LCWRA element” insert—

— ““local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;”.

(3) In Schedule 10 (capital to be disregarded), after paragraph 18(**24**), insert—

“**18A** A payment received within the past 12 months by way of local welfare provision including arrears and payments in lieu of local welfare provision.”

Sealed with the Official Seal of the Department for Communities on 26th April 2022

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

(23) S.R. 2016 No. 216

(24) Paragraph 18 was amended by S.R. 2019 No. 195

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Department of Finance hereby consents to regulations 5 and 6 the foregoing regulations.
Sealed with the Official Seal of the Department of Finance on 26th April 2022

(L.S.)

Patrick Neeson
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the State Pension Credit Regulations (Northern Ireland) 2003, the Housing Benefit Regulations (Northern Ireland) 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006, the Employment and Support Allowance Regulations (Northern Ireland) 2008 and the Universal Credit Regulations (Northern Ireland) 2016 to provide that certain payments made by a Northern Ireland Department or a person authorised to exercise any function or service on their behalf, for welfare purposes should be disregarded when assessing the claimants income and/ or capital when assessing eligibility for the benefits covered by those regulations.