

STATUTORY RULES OF NORTHERN IRELAND

2024 No. 118 (C. 5)

SOCIAL SECURITY

**The Welfare Reform (Northern Ireland) Order 2015
(Commencement No. 13 and Savings and Transitional
Provisions) (Amendment) Order (Northern Ireland) 2024**

Made - - - -

24th May 2024

The Department for Communities(1) makes the following Order in exercise of the powers conferred by Article 2(2) and (4) of the Welfare Reform (Northern Ireland) Order 2015(2).

The powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020(3).

Citation and effect

1. This Order may be cited as the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions) (Amendment) Order (Northern Ireland) 2024 and has effect from 8th June 2024.

Commencement Information

II Art. 1 in operation at made date

Preservation of saving for mixed-age couples migrated to universal credit

2. In Article 4 of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions and Commencement No. 8 and Transitional and Transitory Provisions (Amendment)) Order 2019(4) (savings) after paragraph (2) add—

“(3) Nothing in regulation 4A (restriction on claims for housing benefit, income support or a tax credit) of the Transitional Regulations prevents a claim for housing benefit by a member of a mixed-age couple referred to in paragraph (1) where—

(a) they have been issued with a migration notice;

(1) See section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

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

(3) S.I. 2020/927

(4) S.R. 2019 No. 4 (C. 1)

Changes to legislation: There are currently no known outstanding effects for the *The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions) (Amendment) Order (Northern Ireland) 2024*. (See end of Document for details)

- (b) they make the claim for housing benefit within 3 months beginning with—
 - (i) in the case of a person who became entitled to universal credit by claiming before the final deadline, the day after their award of universal credit terminates; or
 - (ii) in the case of a person who did not claim universal credit, or claimed before the final deadline but was not entitled, the day after their award of housing benefit terminates; and
- (c) they meet the conditions for entitlement to housing benefit on that day.
- (4) Where a person mentioned in sub-paragraph (b)(i) of paragraph (3) claims—
 - (a) housing benefit; or
 - (b) state pension credit (whether or not they also claim housing benefit),within 3 months beginning with the day mentioned in that sub-paragraph, any days on which they were entitled to universal credit are to be disregarded for the purposes of paragraph (2).
- (5) In this Article “Transitional Regulations” means the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016⁽⁵⁾ and “final deadline” and “migration notice” have the same meaning in those Regulations.”.

Commencement Information

I2 Art. 2 in operation at made date

Sealed with the Official Seal of the Department for Communities on 24th May 2024

(L.S.)

David Tarr
A senior officer of the Department for
Communities

(5) S.R. 2016 No. 226; Regulation 4A was inserted by regulation 4 of S.R. 2022 No. 194 and amended by regulation 8(2) of S.R. 2024 No. 54. The definitions of “final deadline” and “migration notice” were inserted by regulation 2(2) of S.R. 2019 No. 152

EXPLANATORY NOTE

(This note is not part of the Order)

This Order preserves the existing protection for certain mixed-age couples (that is couples where one member has reached the qualifying age for state pension credit) when they are issued with a migration notice requiring them to move to universal credit.

Article 2 amends Article 4 of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions and Commencement No. 8 and Transitional and Transitory Provisions (Amendment)) Order 2019 (“the No. 13 Order”).

Article 3 of the No. 13 Order commenced the provision that excluded entitlement to state pension credit where the claimant’s partner was under the qualifying age for that benefit. Article 4 of that Order contained a saving provision that protected mixed-age couples who were entitled to housing benefit or state pension credit at the time that exclusion came into effect.

Article 2 of this Order allows that saving, which would otherwise cease when a migration notice is issued, to be reinstated when universal credit ends. It also allows the saving to continue where the couple are issued with a migration notice but do not make a claim for universal credit or make a claim but are not entitled.

Changes to legislation:

There are currently no known outstanding effects for the The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions) (Amendment) Order (Northern Ireland) 2024.