
STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 2

Universal credit

CHAPTER 3

Supplementary and general

Supplementary and consequential

Supplementary regulation-making powers

36. Schedule 1 contains supplementary regulation-making powers.

Commencement Information

I1 [Art. 36](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(i\)](#)

Supplementary and consequential amendments

37. Schedule 2 contains supplementary and consequential amendments.

Commencement Information

I2 [Art. 37](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(i\)](#)

I3 [Art. 37](#) in operation at 27.9.2017 in so far as not already in operation by [S.R. 2017/190](#), [art. 4\(1\)\(2\)\(g\)](#)

I4 [Art. 37](#) in force at 15.5.2019 for specified purposes by [S.R. 2019/4](#), [art. 3](#) (with arts. 4, 6-8) (as amended by [S.R. 2019/107](#), [art. 2](#))

Power to make supplementary and consequential provision etc.

38.—(1) The Department may by regulations make such consequential, supplementary, incidental or transitional provision in relation to any provision of this Part as the Department considers appropriate.

(2) Regulations under this Article may amend, repeal or revoke any statutory provision (whenever passed or made).

Commencement Information

I5 [Art. 38](#) in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(i\)](#)

*Status: Point in time view as at 04/07/2019. This version of this chapter contains provisions that are prospective.
Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, CHAPTER 3 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Universal credit and other benefits

Abolition of benefits

- 39.**—(1) The following benefits are abolished—
- (a) income-based jobseeker's allowance under the Jobseekers Order;
 - (b) income-related employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007;
 - (c) income support under section 123 of the Contributions and Benefits Act;
 - (d) housing benefit under section 129 of that Act.
- (2) In paragraph (1)—
- (a) “income-based jobseeker's allowance” has the same meaning as in the Jobseekers Order;
 - (b) “income-related employment and support allowance” means an employment and support allowance entitlement to which is based on section 1(2)(b) of the Welfare Reform Act (Northern Ireland) 2007.
- (3) Schedule 3 contains consequential amendments.

Commencement Information

- I6** Art. 39(1)(a)(b)(2) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)
- I7** Art. 39(1)(a)(b)(2) in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with **art. 5**) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)
- I8** Art. 39(1)(a)(b)(2) in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with **art. 5**) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)
- I9** Art. 39(1)(a)(b)(2) in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with **art. 5**) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)
- I10** Art. 39(1)(a)(b)(2) in force at 5.9.2018 and further specified dates for specified purposes by S.R. 2018/138, **art. 4** (with **art. 5**)
- I11** Art. 39(1)(a)(b)(2) in force at 1.2.2019 for specified purposes by S.R. 2019/7, **art. 2(5)-(7)** (with **art. 2(8)-(12)**)
- I12** Art. 39(3) in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(i)**

PROSPECTIVE

Universal credit and the state pension credit

40. Schedule 4 provides for a housing element of state pension credit in consequence of the abolition of housing benefit by Article 39.

Universal credit and working-age benefits

41. Schedule 5 makes further provision relating to universal credit, jobseeker's allowance and employment and support allowance.

Status: Point in time view as at 04/07/2019. This version of this chapter contains provisions that are prospective.
Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, CHAPTER 3 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I13 Art. 41 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(i)

Migration to universal credit

42. Schedule 6 contains provision about the replacement of benefits by universal credit.

Commencement Information

I14 Art. 42 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(i)

General

Capability for work or work-related activity

- 43.**—(1) For the purposes of this Part a claimant has limited capability for work if—
- (a) the claimant's capability for work is limited by his or her physical or mental condition, and
 - (b) the limitation is such that it is not reasonable to require the claimant to work.
- (2) For the purposes of this Part a claimant has limited capability for work-related activity if—
- (a) the claimant's capability for work-related activity is limited by his or her physical or mental condition, and
 - (b) the limitation is such that it is not reasonable to require the claimant to undertake work-related activity.
- (3) The question whether a claimant has limited capability for work or work-related activity for the purposes of this Part is to be determined in accordance with regulations.
- (4) Regulations under this Article must, subject as follows, provide for determination of that question on the basis of an assessment (or repeated assessments) of the claimant.
- (5) Regulations under this Article may for the purposes of an assessment—
- (a) require a claimant to provide information or evidence (and may require it to be provided in a prescribed manner or form);
 - (b) require a claimant to attend and submit to a medical examination at a place, date and time determined under the regulations.
- (6) Regulations under this Article may make provision for a claimant to be treated as having or not having limited capability for work or work-related activity.
- (7) Regulations under paragraph (6) may provide for a claimant who fails to comply with a requirement imposed under paragraph (5) without a good reason to be treated as not having limited capability for work or work-related activity.
- (8) Regulations under paragraph (6) may provide for a claimant to be treated as having limited capability for work until—
- (a) it has been determined whether or not that is the case, or
 - (b) the claimant is under any other provision of regulations under paragraph (6) treated as not having it.
- (9) Regulations under this Article may provide for determination of the question of whether a claimant has limited capability for work or work-related activity even where the claimant is for the

*Status: Point in time view as at 04/07/2019. This version of this chapter contains provisions that are prospective.
Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, CHAPTER 3 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

time being treated under regulations under paragraph (6) as having limited capability for work or work-related activity.

Commencement Information

- I15** Art. 43 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(ii)
I16 Art. 43 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(c)

Information

44. Information supplied under Chapter 2 or Article 43 is to be taken for all purposes to be information relating to social security.

Commencement Information

- I17** Art. 44 in operation at 27.9.2017 by S.R. 2017/190, art. 4(1)(2)(d)

Couples

45.—(1) In this Part “couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household;
- (d) two people of the same sex who are not civil partners of each other but are living together as civil partners.

(2) For the purposes of this Article, two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

(3) For the purposes of this Article regulations may prescribe—

- (a) circumstances in which the fact that two persons are husband and wife or are civil partners is to be disregarded;
- (b) circumstances in which a man and a woman are to be treated as living together as husband and wife;
- (c) circumstances in which people are to be treated as being or not being members of the same household.

Commencement Information

- I18** Art. 45 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(ii)
I19 Art. 45 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(e)

Interpretation of Part 2

46. In this Part—

“assessment period” has the meaning given by Article 12(2);

Status: Point in time view as at 04/07/2019. This version of this chapter contains provisions that are prospective.
Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, CHAPTER 3 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“child” means a person under the age of 16;

“claim” means claim for universal credit;

“claimant” means a single claimant or each of joint claimants;

“couple” has the meaning given by Article 45;

“disabled” has such meaning as may be prescribed;

“joint claimants” means members of a couple who jointly make a claim or in relation to whom an award of universal credit is made;

“limited capability for work” and “limited capability for work-related activity” are to be construed in accordance with Article 43(1) and (2);

“qualifying young person” has the meaning given in Article 15(5);

“regular and substantial caring responsibilities” has such meaning as may be prescribed;

“responsible carer”, in relation to a child, has the meaning given in Article 24(6);

“severely disabled” has such meaning as may be prescribed;

“single claimant” means a single person who makes a claim for universal credit or in relation to whom an award of universal credit is made as a single person;

“single person” is to be construed in accordance with Article 6(2)(a);

“work” has such meaning as may be prescribed;

“work availability requirement” has the meaning given by Article 23(1);

“work preparation requirement” has the meaning given by Article 21(1);

“work search requirement” has the meaning given by Article 22(1);

“work-focused interview requirement” has the meaning given by Article 20(1);

“work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;

“work-related requirement” has the meaning given by Article 18(2).

Commencement Information

I20 Art. 46 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(ii)

I21 Art. 46 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, art. 4(1)(2)(f)

Regulations

Pilot schemes

- 47.—(1) Any power to make—
- (a) regulations under this Part,
 - (b) regulations under the Administration Act relating to universal credit, or
 - (c) regulations under the Social Security (Northern Ireland) Order 1998 relating to universal credit,

may be exercised so as to make provision for piloting purposes.

(2) In paragraph (1), “piloting purposes”, in relation to any provision, means the purposes of testing—

Status: Point in time view as at 04/07/2019. This version of this chapter contains provisions that are prospective.
Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, CHAPTER 3 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the extent to which the provision is likely to make universal credit simpler to understand or to administer,
 - (b) the extent to which the provision is likely to promote—
 - (i) people remaining in work, or
 - (ii) people obtaining or being able to obtain work (or more work or better-paid work), or
 - (c) the extent to which, and how, the provision is likely to affect the conduct of claimants or other people in any other way.
- (3) Regulations made by virtue of this Article are in the remainder of this Article referred to as a “pilot scheme”.
- (4) A pilot scheme may be limited in its application to—
- (a) one or more areas;
 - (b) one or more classes of person;
 - (c) persons selected—
 - (i) by reference to prescribed criteria, or
 - (ii) on a sampling basis.
- (5) A pilot scheme may not have effect for a period exceeding 3 years, but—
- (a) the Department may by order provide that the pilot scheme is to continue to have effect after the time when it would otherwise expire for a period not exceeding 12 months (and may make more than one such order);
 - (b) a pilot scheme may be replaced by a further pilot scheme making the same or similar provision.
- (6) A pilot scheme may include consequential or transitional provision in relation to its expiry.

Commencement Information

I22 [Art. 47](#) in operation at 2.5.2016 for specified purposes by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(ii\)](#)

Regulations

- 48.**—(1) Where any power under this Part to make regulations is expressed to be exercisable for alternative purposes, it may be exercised in relation to the same case for all or any of those purposes.
- (2) Any power under this Part to make regulations includes power—
- (a) to make such incidental, supplementary, consequential or transitional provision or savings as appear to the Department to be expedient;
 - (b) to provide for a person to exercise a discretion in dealing with any matter.
- (3) Each power conferred by this Part is without prejudice to the others.
- (4) Where regulations under this Part provide for an amount, the amount may be zero.
- (5) Where regulations under this Part provide for an amount for the purposes of an award (or a reduction from an award), the amount may be different in relation to different descriptions of person, and in particular may depend on—
- (a) whether the person is a single person or a member of a couple;
 - (b) the age of the person.
- (6) Regulations under Article 16(4) or 17(3) which provide for the determination or calculation of an amount may make different provision for different areas.

Status: Point in time view as at 04/07/2019. This version of this chapter contains provisions that are prospective.
Changes to legislation: The Welfare Reform (Northern Ireland) Order 2015, CHAPTER 3 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I23 Art. 48 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iii)

Assembly control

49.—(1) Subject to the following provisions of this Article, any regulations made under this Part are subject to negative resolution.

(2) Regulations made by virtue of Article 47 (pilot schemes), alone or with other regulations—

- (a) must be laid before the Assembly after being made; and
- (b) take effect on such date as may be specified in the regulations, but (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of 6 months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.

(3) This paragraph applies to any regulations under this Part which—

- (a) but for paragraph (4), would be subject to negative resolution, and
- (b) are contained in a statutory rule which includes any regulations subject to the confirmatory procedure.

(4) Any regulations to which paragraph (3) applies shall not be subject to negative resolution, but shall be subject to the confirmatory procedure.

(5) In this Article “the confirmatory procedure” means the procedure described in paragraph (2).

Commencement Information

I24 Art. 49 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(iii)

Status:

Point in time view as at 04/07/2019. This version of this chapter contains provisions that are prospective.

Changes to legislation:

The Welfare Reform (Northern Ireland) Order 2015, CHAPTER 3 is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.