

---

## STATUTORY INSTRUMENTS

---

# 2015 No. 2006

## The Welfare Reform (Northern Ireland) Order 2015

### PART 6

#### Social security: general

##### *Benefit cap*

##### **Benefit cap**

**101.**—(1) Regulations may provide for a benefit cap to be applied to the welfare benefits to which a single person or couple is entitled.

(2) For the purposes of this Article, applying a benefit cap to welfare benefits means securing that, where a single person's or couple's total entitlement to welfare benefits in respect of the reference period exceeds the relevant amount, their entitlement to welfare benefits in respect of any period of the same duration as the reference period is reduced by an amount up to or equalling the excess.

(3) In paragraph (2) the “reference period” means a period of a prescribed duration.

(4) Regulations under this Article may in particular—

- (a) make provision as to the manner in which total entitlement to welfare benefits for any period, or the amount of any reduction, is to be determined;
- (b) make provision as to the welfare benefit or benefits from which a reduction is to be made;
- (c) provide for exceptions to the application of the benefit cap;
- (d) make provision as to the intervals at which the benefit cap is to be applied;
- (e) make provision as to the relationship between application of the benefit cap and any other reduction in respect of a welfare benefit;
- (f) provide that where in consequence of a change in the relevant amount, entitlement to a welfare benefit increases or decreases, that increase or decrease has effect without any further decision of the Department;
- (g) make supplementary and consequential provision.

[<sup>F1</sup>(5) Regulations under this Article may make provision for determining the “relevant amount” for the reference period applicable in the case of a single person or couple by reference to the annual limit applicable in the case of that single person or couple.

(5A) For the purposes of this Article the “annual limit” is £20,000 or £13,400.

(5B) Regulations under paragraph (5) may—

- (a) specify which annual limit applies in the case of—
  - (i) different prescribed descriptions of single person;
  - (ii) different prescribed descriptions of couple;

**Status:** Point in time view as at 04/07/2019.

**Changes to legislation:** The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Benefit cap is up to date with all changes known to be in force on or before 26 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)

- (b) provide for the rounding up or down of an amount produced by dividing the amount of the annual limit by the number of periods of a duration equal to the reference period in a year.]

<sup>F2</sup>(6) .....

(7) In this Article—

“couple” means two persons of a prescribed description;

<sup>F3</sup> ...

“single person” means a person who is not a member of a couple;

“welfare benefit” [<sup>F4</sup>means—

- (a) bereavement allowance (see section 39B of the Contributions and Benefits Act),
- (b) child benefit (see section 137 of the Contributions and Benefits Act),
- (c) child tax credit (see section 1(1)(a) of the Tax Credits Act 2002),
- (d) employment and support allowance (see section 1 of the Welfare Reform Act (Northern Ireland) 2007), including income-related employment and support allowance (as defined in subsection (7) of that section),
- (e) housing benefit (see section 129 of the Contributions and Benefits Act),
- (f) incapacity benefit (see section 30A of the Contributions and Benefits Act),
- (g) income support (see section 123 of the Contributions and Benefits Act),
- (h) jobseeker's allowance (see Article 3 of the Jobseekers Order), including income-based jobseeker's allowance (as defined in paragraph (4) of that Article),
- (i) maternity allowance under section 35 or 35B of the Contributions and Benefits Act 1992,
- (j) severe disablement allowance (see section 68 of the Contributions and Benefits Act),
- (k) universal credit,
- (l) widow's pension (see section 38 of the Contributions and Benefits Act 1992),
- (m) widowed mother's allowance (see section 37 of the Contributions and Benefits Act), or
- (n) widowed parent's allowance (see section 39A of the Contributions and Benefits Act).]

<sup>F5</sup>(8) .....

<b>Textual Amendments</b>	
<b>F1</b>	Art. 101(5)-(5B) substituted for art. 101(5) (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by <a href="#">The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999)</a> , arts. 2(2)(b), <b>5(2)</b> ; S.R. 2016/374, art. 2
<b>F2</b>	Art. 101(6) omitted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by virtue of <a href="#">The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999)</a> , arts. 2(2)(b), <b>5(3)</b> ; S.R. 2016/374, art. 2
<b>F3</b>	Words in art. 101(7) omitted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by virtue of <a href="#">The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999)</a> , arts. 2(2)(b), <b>5(3)</b> ; S.R. 2016/374, art. 2
<b>F4</b>	Words in art. 101(7) substituted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by <a href="#">The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999)</a> , arts. 2(2)(b), <b>5(4)</b> ; S.R. 2016/374, art. 2
<b>F5</b>	Art. 101(8) omitted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by virtue of <a href="#">The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999)</a> , arts. 2(2)(b), <b>5(5)</b> ; S.R. 2016/374, art. 2

**Changes to legislation:** The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Benefit cap is up to date with all changes known to be in force on or before 26 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

**II** Art. 101 in operation at 17.2.2016 by S.R. 2016/46, art. 3(4)(a)

### [<sup>F6</sup>Benefit cap review

**101A.**—(1) If the Secretary of State makes regulations under section 96A(4) of the Welfare Reform Act 2012 which amend section 96(5A)(b) of that Act, the Department may make corresponding regulations amending Article 101(5A).

(2) The regulations may provide for amendments of Article 101(5A) to come into force—

- (a) on different days for different areas;
- (b) on different days for different cases or purposes.

(3) The regulations may make such transitional or transitory provision or savings as the Department considers necessary or expedient in connection with the coming into force of any amendment made by the regulations.

(4) The regulations may in particular—

- (a) provide for Article 101(5A) to have effect as if the amendments made by the regulations had not been made, in relation to such persons or descriptions of persons as are specified in the regulations or generally, until a time or times specified in a notice issued by the Department;
- (b) provide for the Department to issue notices under sub-paragraph (a) specifying different times for different persons or descriptions of person;
- (c) make provision about the issuing of notices under sub-paragraph (a), including provision for the Department to issue notices to the Housing Executive and the Department of Finance that have effect in relation to persons specified, or persons of a description specified, in the notices.]

### Textual Amendments

**F6** Art. 101A inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(c), 6(1)

### Benefit cap: supplementary and consequential

**102.**—(1) Regulations under Article 101 are subject to negative resolution.

[<sup>F7</sup>(1A) Regulations under Article 101A must be laid before the Assembly after being made and take effect on such date as may be specified in the regulations, but shall (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.]

(2) In Schedule 2 to the Social Security (Northern Ireland) Order 1998 (decisions against which no appeal lies) after paragraph 8 insert—

*“Reduction on application of benefit cap*

**8A.** A decision to apply the benefit cap in accordance with regulations under Article 101 of the Welfare Reform (Northern Ireland) Order 2015.”

**Status:** Point in time view as at 04/07/2019.

**Changes to legislation:** The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Benefit cap is up to date with all changes known to be in force on or before 26 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)

(3) In Schedule 12 to the Pensions Act (Northern Ireland) 2015 (state pension: amendments), omit paragraph 44.

**Textual Amendments**

**F7** Art. 102(1A) inserted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(c), **6(2)**

**Commencement Information**

**I2** Art. 102 in operation at 17.2.2016 by [S.R. 2016/46](#), **art. 3(4)(a)**

**Status:**

Point in time view as at 04/07/2019.

**Changes to legislation:**

The Welfare Reform (Northern Ireland) Order 2015, Cross Heading: Benefit cap is up to date with all changes known to be in force on or before 26 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.