

STATUTORY INSTRUMENTS

2015 No. 2006

The Welfare Reform (Northern Ireland) Order 2015

PART 7

Miscellaneous

Child support maintenance

PROSPECTIVE

Supporting maintenance agreements

126.—(1) In Article 11 of the Child Support (Northern Ireland) Order 1991 (maintenance agreements), after paragraph (2) insert—

“(2A) The Department may, with a view to reducing the need for applications under Article 7—

- (a) take such steps as it considers appropriate to encourage the making and keeping of maintenance agreements, and
- (b) in particular, before accepting an application under that Article, invite the applicant to consider with the Department whether it is possible to make such an agreement.”

(2) In Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008 (maintenance calculations: transfer of cases to new rules), in paragraph 3, after sub-paragraph (2) insert—

“(3) The Department may before accepting an application required by provision under sub-paragraph (2)(b) invite the applicant to consider with the Department whether it is possible to make a maintenance agreement (within the meaning of Article 11 of the Child Support Order).”

Collection of child support maintenance

127.—(1) The Child Support (Northern Ireland) Order 1991 is amended as follows.

(2) In Article 7 (child support maintenance)—

- (a) in paragraph (2), the words from “or” to “made” are repealed;
- (b) after paragraph (2) insert—

“(2A) The Department may only make arrangements under paragraph (2)(a) if—

- (a) the non-resident parent agrees to the arrangements, or
- (b) the Department is satisfied that without the arrangements child support maintenance is unlikely to be paid in accordance with the calculation.”

(3) In Article 29 (collection of child support maintenance), in paragraph (1) after “may” insert “(subject to Article 7(2A))”.

Status: Point in time view as at 19/07/2023. This version of this part contains provisions that are prospective.
Changes to legislation: *The Welfare Reform (Northern Ireland) Order 2015, PART 7 is up to date with all changes known to be in force on or before 13 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

- I1** Art. 127(1)(2)(a) in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(a)** (with art. 2)
- I2** Art. 127(2)(b) in operation at 19.7.2023 by S.R. 2023/111, **art. 2**
- I3** Art. 127(3) in operation at 19.7.2023 by S.R. 2023/111, **art. 2**

PROSPECTIVE

Indicative maintenance calculations

128. After Article 11 of the Child Support (Northern Ireland) Order 1991 insert—

“Maintenance agreements: indicative calculations

11A.—(1) A person with care or non-resident parent in relation to any qualifying child or qualifying children may apply to the Department for an indicative calculation with respect to that child or any of those children.

(2) An indicative calculation is a calculation of the amount of child support maintenance which the Department considers would in accordance with Article 13 be fixed by a maintenance calculation if such a calculation were made with respect to the child or children in question.

(3) An indicative calculation does not create any liability on any person to pay child support maintenance.

(4) The Department may limit the number of applications it will accept under this Article in any particular case in such manner as it thinks fit.

(5) Where a person who is alleged to be the parent of a child with respect to whom an application for an indicative calculation has been made denies being one of the child's parents, the Department shall not make the indicative calculation on the assumption that the person is one of the child's parents unless the case falls within paragraph (b) of Case A3 in Article 27(2).”

Recovery of child support maintenance by deduction from benefit

129. In Article 40 of the Child Support (Northern Ireland) Order 1991 (as substituted by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000), for paragraphs (1) and (2) substitute—

“(1) The power of the Department to make regulations under section 5 of the Social Security Administration (Northern Ireland) Act 1992 by virtue of subsection (1)(q) of that section may be exercised with a view to securing the making of payments in respect of child support maintenance by a non-resident parent.

(2) The reference in paragraph (1) to the making of payments in respect of child support maintenance includes the recovery of—

- (a) arrears of child support maintenance; and
- (b) fees payable under section 3 of the Child Maintenance Act (Northern Ireland) 2008.”

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Commencement Information

I4 [Art. 129](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(b\)](#)

Fees

130.—(1) Section 3 of the Child Maintenance Act (Northern Ireland) 2008 (fees) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (d), at the end insert “ (including provision for the apportionment of fees and the matters to be taken into account in determining an apportionment) ”;

(b) in paragraph (g) “waiver,” is repealed;

(c) after paragraph (g) insert—

“(h) about waiver of fees (including the matters to be taken into account in determining a waiver).”

(3) After subsection (3) insert—

“(3A) The Department must review the effect of the first regulations made under subsection (1).

(3B) The review must take place before the end of the period of 30 months beginning with the day on which those regulations come into operation.

(3C) After the review, the Department must make and publish a report containing—

(a) the conclusions of the review; and

(b) a statement as to what the Department proposes to do in view of those conclusions.

(3D) The report must be laid before the Assembly by the Department.”

Commencement Information

I5 [Art. 130](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(b\)](#)

Exclusion from individual voluntary arrangements

131. In the Insolvency (Northern Ireland) Order 1989, in Article 9 (interpretation), at the end insert—

“(5) Liability under the Child Support (Northern Ireland) Order 1991 to pay child support maintenance to any person is not a debt or liability for the purposes of Part 8.”

Commencement Information

I6 [Art. 131](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(b\)](#)

Employment and training

Use of jobcentres by sex industry

132. In the Employment and Training Act (Northern Ireland) 1950, after section 1 (duty of Department to make arrangements as to employment and training) insert—

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“1A Restriction on section 1 arrangements: sex industry

- (1) Arrangements made by the Department under section 1 may not include arrangements in respect of employment for sexual purposes.
- (2) For the purposes of this section employment is for sexual purposes if—
- (a) it involves the employee engaging in an activity, and
 - (b) the employee's activity, or the way in which it is performed, may reasonably be assumed to be intended solely or principally to stimulate one or more other persons sexually (by whatever means).
- (3) The Department may by order subject to negative resolution specify exceptions to subsection (1).”

Commencement Information

I7 [Art. 132](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(c\)](#)

Reduced dog licence fees for those in receipt of income-related benefits

Reduced fee for dog licences

- 133.**—(1) The Dogs (Northern Ireland) Order 1983 is amended as follows.
- (2) In Article 7 (fees for dog licences)—
- (a) for paragraph (3)(b) substitute—
 - “(b) a licence issued to a person who at the time of the application for the licence is—
 - (i) in receipt of an income-related benefit, or
 - (ii) a member of a couple in receipt of an income-related benefit;”.
 - (b) after paragraph (9), insert—
 - “(10) In this Article “income-related benefit” means—
 - (a) universal credit under the Welfare Reform (Northern Ireland) Order 2015;
 - (b) state pension credit under the State Pension Credit Act (Northern Ireland) 2002;
 - (c) income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
 - (d) housing benefit under section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;
 - (e) income-based jobseekers allowance under the Jobseeker's (Northern Ireland) Order 1995;
 - (f) income-related employment and support allowance under the Welfare Reform Act (Northern Ireland) 2007;
 - (g) working tax credit under the Tax Credits Act 2002.”

Commencement Information

I8 [Art. 133](#) in operation at 17.2.2016 by [S.R. 2016/46](#), [art. 3\(5\)\(d\)](#)

Status: Point in time view as at 19/07/2023. This version of this part contains provisions that are prospective.
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Rate relief schemes: application of housing benefit law

Rate relief schemes: application of housing benefit law

134. In Article 30A of the Rates (Northern Ireland) Order 1977 (rate relief scheme in respect of dwellings) in paragraph (3) for sub-paragraph (a) substitute—

- “(a) provision for purposes corresponding to those of any statutory provision—
- (i) which has any application in relation to housing benefit or universal credit; or
 - (ii) which, at any time specified in the regulations (being a time before the coming into operation of the regulations), had any application in relation to housing benefit;”.

Commencement Information

19 [Art. 134](#) in operation at 27.9.2017 by [S.R. 2017/190](#), [art. 3\(1\)\(2\)\(f\)](#)

Discretionary support

Discretionary support

135.—(1) The Department may, in accordance with regulations under this Article—

- (a) make payments by way of grant or loan to prescribed persons;
- (b) provide, or arrange for the provision of, goods or services to prescribed persons.

(2) Anything done under paragraph (1)(a) or (b) is referred to in this Article as the provision of discretionary support.

(3) Regulations may make provision—

- (a) for the Department to provide discretionary support only in prescribed circumstances;
- (b) conferring a discretion on the Department (subject to any provision made by virtue of sub-paragraph (c) or (d))—
 - (i) as to whether or not to provide discretionary support in a particular case, and
 - (ii) as to the nature of the discretionary support and (in the case of support by way of payments) as to the amount of the payments and the period for or in respect of which they are made;
- (c) imposing a limit on the amount of the discretionary support that the Department may make in any particular case;
- (d) restricting the period for or in respect of which the Department may provide discretionary support in any particular case;
- (e) for claims for discretionary support to be made in the prescribed form and manner and for the procedure to be followed in dealing with and disposing of such claims;
- (f) imposing conditions on persons claiming or receiving discretionary support requiring them to provide to the Department such information as may be prescribed;
- (g) for the disclosure of information relating to discretionary support in prescribed circumstances or to prescribed persons;
- [^{F1}(h) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of payments made under this Article;]

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- (i) requiring or authorising reviews (whether by the Department or a prescribed person) of decisions made by the Department with respect to the provision of discretionary support or the recovery of payments made under this Article [^{F2}and for appeals against such decisions] ;
- (j) for such other matters as appear to the Department to be necessary or expedient in connection with the provision of discretionary support, including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

[^{F3}(3A) Without prejudice to the generality of paragraph (3), regulations may make any provision referred to in that paragraph by applying to, or in relation to, discretionary support (with or without prescribed modifications) any statutory provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.]

(4) In this Article “prescribed” means prescribed by, or determined in accordance with, regulations under this Article.

(5) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The Department shall, in respect of each financial year, prepare and lay before the Assembly a report on the operation of regulations made under this Article.

Textual Amendments

- F1** Art. 135(3)(h) substituted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(1)(a)**
- F2** Words in art. 135(3)(i) added (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(1)(b)**
- F3** Art. 135(3A) inserted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(1)(c)**

Commencement Information

- I10** Art. 135 in operation at 17.2.2016 by [S.R. 2016/46](#), art. **3(5)(e)**

Discretionary support Commissioner

136.—(1) There shall be an officer known as “the discretionary support Commissioner”.

(2) The discretionary support Commissioner shall be appointed by the Department on such terms and conditions as the Department may determine.

(3) The discretionary support Commissioner—

- (a) shall appoint such discretionary support inspectors, and
- (b) may appoint such staff for the Commissioner and for discretionary support inspectors,

as the Commissioner thinks fit but with the consent of the Department.

(4) Appointments under paragraph (3) shall be made from persons made available to the Commissioner by the Department.

(5) Discretionary support inspectors have such functions as are conferred or imposed on them—

- (a) by regulations under Article 135, or
- (b) by any other statutory provision,

in relation to the review of decisions of the Department.

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- (6) It shall be the duty of the discretionary support Commissioner—
- (a) to monitor the quality of decisions of discretionary support inspectors and give them such advice and assistance as the Commissioner thinks fit to improve the standard of their decisions;
 - (b) to arrange such training of discretionary support inspectors as the Commissioner considers necessary;
 - (c) to carry out such other functions in connection with the work of discretionary support inspectors as the Department may require;
 - (d) to report annually in writing to the Department on the standards of reviews by discretionary support inspectors.
- (7) The Department shall publish any report made under paragraph (6)(d).
- (8) In Part 1 of Schedule 4 to the Administration Act after the entries under the heading “The social fund” insert—

“Discretionary support officers

The discretionary support Commissioner.

A discretionary support inspector.

A member of any staff appointed under Article 136(3)(b) of the Welfare Reform (Northern Ireland) Order 2015.”

(9) In the Freedom of Information Act 2000, in Part 7 of Schedule 1 after the entry relating to the social fund Commissioner insert—

“The discretionary support Commissioner appointed under Article 136 of the Welfare Reform (Northern Ireland) Order 2015.”

Commencement Information

III Art. 136 in operation at 17.2.2016 by S.R. 2016/46, art. 3(5)(f)

Payments to persons suffering financial disadvantage

Payments to persons suffering financial disadvantage

137.—(1) The purpose of this Article is to enable the Department to make payments to persons who suffer financial disadvantage as a result of the changes to social security benefits and tax credits contained in this Order [F4, the Welfare Reform and Work (Northern Ireland) Order 2016] and the Welfare Reform Act 2012.

(2) The Department may by regulations make provision for the purpose mentioned in paragraph (1).

(3) Regulations under this Article may in particular make provision—

- (a) for determining whether a person has suffered financial disadvantage as a result of the changes mentioned in paragraph (1) and, if so, the amount of that disadvantage;
- (b) for determining eligibility for payments, including provision for payments to be made only in prescribed circumstances or only to persons who meet prescribed conditions;
- (c) for determining—
 - (i) the amount of payments;

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- (ii) the period or periods for or in respect of which payments are to be made;
- (d) for claims for payments to be made in prescribed cases and in the prescribed form and manner and for the procedures to be followed in dealing with and disposing of such claims;
- (e) for payments to be made in prescribed cases without any claim being made;
- (f) imposing conditions on persons claiming or receiving payments, including conditions requiring them to provide to the Department such information as may be prescribed;
- (g) for payments to cease to be made in prescribed circumstances;
- (h) for the disclosure of information relating to payments in prescribed circumstances or to prescribed persons;
- ^{F5}(i) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of payments made in excess of entitlement ;]
- (j) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of payments [^{F6}and for appeals against such decisions] ;
- (k) imposing functions [^{F7}(including functions as to the disclosure of information)] on a statutory body other than the Department in connection with the administration of the regulations;
- (l) for such other matters as appear to the Department to be necessary or appropriate in connection with the making of payments including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

^{F8}(3A) Without prejudice to the generality of paragraphs (2) and (3), regulations may make any provision referred to in those paragraphs by applying to, or in relation to, payments (with or without prescribed modifications) any statutory provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.]

(4) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(5) No regulations shall be made under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(6) If regulations under this Article impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(7) A power conferred by this Article to make regulations includes power—

- (a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;
- (b) to provide for the Department to exercise a discretion in dealing with any matter.

(8) In this Article—

“prescribed” means prescribed by regulations under this Article;

“payment” means a payment under this Article;

“statutory body” means a body established by or under a statutory provision.

Textual Amendments

F4 Words in art. 137(1) inserted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(2)(a)**

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- F5** Art. 137(3)(i) substituted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(2)(b)**
- F6** Words in art. 137(3)(j) added (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(2)(c)**
- F7** Words in art. 137(3)(k) inserted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(2)(d)**
- F8** Art. 137(3A) inserted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **18(2)(e)**

Commencement Information

- I12** Art. 137 in operation at 17.2.2016 by [S.R. 2016/46](#), **art. 3(5)(g)**

[^{F9}Payments to persons affected by social sector size criteria in calculation of universal credit or housing benefit

137A.—(1) The Department may, in accordance with regulations under this Article, make payments in respect of persons who qualify under paragraph (2) or (3).

- (2) A person qualifies under this paragraph if—
 - (a) the person is entitled to universal credit in respect of [^{F10}any time on or after the relevant date] ;
 - (b) the amount of the award of universal credit includes an amount under Article 16 (“the housing costs element”);
 - (c) the amount of the housing costs element falls to be calculated in accordance with Part 5 of Schedule 4 to the Universal Credit Regulations (renters in social rented sector); and
 - (d) in the calculation of the amount of the housing costs element a deduction is made under paragraph 35 of that Schedule (deduction if the number of bedrooms in the accommodation occupied by the renter exceeds the number of bedrooms to which the renter is entitled in accordance with the regulations).
- (3) A person qualifies under this paragraph if—
 - (a) the person is entitled to housing benefit in the form of a rent rebate or rent allowance in respect of [^{F11}any time on or after the relevant date] ;
 - (b) the calculation of the amount of rent allowance or rent rebate to which the person is entitled involves making a determination in accordance with regulation B14 of the Housing Benefit Regulations (determination of maximum rent (social sector)); and
 - (c) in making that determination a reduction is made under paragraph (2)(b) of that regulation (reduction in eligible rent if the number of bedrooms in the dwelling occupied by the claimant exceeds the number of bedrooms to which the claimant is entitled in accordance with the regulations).

^{F12}(4)

[
^{F13}(4A) The relevant date is 2nd January 2017.]

- (5) Regulations may make provision—
 - (a) for determining the amount of payments, the periods in respect of which payments are to be made, and the persons to whom payments are to be made;
 - (b) for payments to be made without any claim being made;
 - (c) imposing conditions on persons receiving payments, including conditions requiring them to provide to the Department such information as may be prescribed;

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- (d) for the disclosure of information relating to payments in prescribed circumstances or to prescribed persons;
 - (e) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of payments made in excess of entitlement;
 - (f) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of payments;
 - (g) imposing functions (including functions as to the disclosure of information) on a statutory body other than the Department in connection with the administration of the regulations;
 - (h) for such other matters as appear to the Department to be necessary or appropriate in connection with the making of payments including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.
- (6) The provision included in regulations under paragraph (5)(a) for determining, in the case of any person, the amount of a payment in respect of any period must be such as to ensure that the amount of the payment when added to the amount of the housing costs element to which that person is entitled in respect of that period does not exceed—
- (a) in a case falling within paragraph (2), the amount of the housing costs element to which that person would have been entitled in respect of that period if the deduction mentioned in sub-paragraph (d) of that paragraph had not been made;
 - (b) in a case falling within paragraph (3), the amount of the rent allowance or rent rebate to which that person would have been entitled in respect of that period if the reduction mentioned in sub-paragraph (c) of that paragraph had not been made.
- (7) Without prejudice to the generality of paragraph (5), regulations may make any provision referred to in that paragraph by applying to, or in relation to, payments (with or without prescribed modifications) any provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.
- (8) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.
- (9) No regulations shall be made under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.
- (10) If regulations under this Article impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.
- (11) A power conferred by this Article to make regulations includes power—
- (a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;
 - (b) to provide for the Department to exercise a discretion in dealing with any matter.
- (12) In this Article—
- “the Housing Benefit Regulations” means the Housing Benefit Regulations (Northern Ireland) 2006;
 - “payment” means a payment under this Article;
 - “prescribed” means prescribed by regulations under this Article;
 - “statutory body” means a body established by or under a statutory provision;
 - “the Universal Credit Regulations” means the Universal Credit Regulations (Northern Ireland) 2016.]

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Textual Amendments

- F9** Art. 137A inserted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **19(2)**
- F10** Words in art. 137A(2)(a) substituted (28.4.2022) by [Welfare Supplementary Payments \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 22\)](#), **ss. 1(2)(a)**, 4(1)
- F11** Words in art. 137A(3)(a) substituted (28.4.2022) by [Welfare Supplementary Payments \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 22\)](#), **ss. 1(2)(b)**, 4(1)
- F12** Art. 137A(4) omitted (28.4.2022) by virtue of [Welfare Supplementary Payments \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 22\)](#), **ss. 1(2)(c)**, 4(1)
- F13** Art. 137A(4A) inserted (28.4.2022) by [Welfare Supplementary Payments \(Amendment\) Act \(Northern Ireland\) 2022 \(c. 22\)](#), **ss. 1(2)(d)**, 4(1)

[^{F14}Cost of work allowance

137B.—(1) The Department may, in accordance with this Article and regulations, make payments known as cost of work allowances.

- (2) A cost of work allowance is a payment which—
- (a) is made on one occasion in each of the years 2017, 2018 and 2019;
 - (b) is awarded in each of those years—
 - (i) to an individual who on the qualifying date in that year satisfies the 4 requirements set out in paragraphs (4) to (7) as they apply in relation to an individual;
 - (ii) to a couple who on the qualifying date in that year satisfy the 4 requirements set out in paragraphs (4) to (7) as they apply in relation to a couple.
- (3) In relation to an individual or a couple “the qualifying date” in a year is such date as may be prescribed; and different dates may be prescribed in relation to different classes or descriptions of individual or couple.
- (4) The first requirement—
- (a) in relation to an individual is that the individual has, on the qualifying date, been ordinarily resident in Northern Ireland for a period of at least 3 months;
 - (b) in relation to a couple is that both of them have on the qualifying date been ordinarily resident in Northern Ireland for period of at least 3 months.
- (5) The second requirement—
- (a) in relation to an individual is that on the qualifying date the individual—
 - (i) is entitled (otherwise than jointly with another) to universal credit or to working tax credit; and
 - (ii) has been so entitled for the whole of the preceding period of 3 months;
 - (b) in relation to a couple is that on the qualifying date the couple—
 - (i) are jointly entitled to universal credit or to working tax credit; and
 - (ii) have been so entitled for the whole of the preceding period of 3 months.
- (6) The third requirement—
- (a) in relation to an individual, is that on the qualifying date the individual—
 - (i) is engaged in qualifying remunerative work; and
 - (ii) has been so engaged for the whole of the preceding period of 3 months;
 - (b) in relation to a couple, is that at least one of them—

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- (i) is, on the qualifying date, engaged in qualifying remunerative work, and
 - (ii) has been so engaged for the whole of the preceding period of 3 months.
- (7) The fourth requirement—
- (a) in relation to an individual, is that the income of the individual in respect of a prescribed period exceeds such amount as may be prescribed but does not exceed such other higher amount as may be prescribed;
 - (b) in relation to a couple, is that the combined income of the couple in respect of a prescribed period exceeds such amount as may be prescribed but does not exceed such other higher amount as may be prescribed.
- (8) Regulations may make provision—
- (a) for cases where an individual is, or couple are, to be taken as satisfying, or not satisfying, the requirements in paragraphs (4) to (7) and in particular for determining—
 - (i) for the purposes of the second requirement, whether an individual is, or couple are, on the qualifying date entitled to universal credit or working tax credit and, if so, for what period the individual has, or couple have, been so entitled;
 - (ii) for the purposes of the third requirement, what is, or is not, qualifying remunerative work and the circumstances in which a person is, or is not, engaged in it;
 - (iii) for the purposes of the fourth requirement, the income of a person in respect of any period;
 - (b) for determining the amount of an allowance payable to an individual or a couple which must include provision—
 - (i) for the allowance awarded to an individual to include, in prescribed circumstances, an additional amount where the individual is responsible for one or more children;
 - (ii) for the allowance awarded to a couple to include, in prescribed circumstances, an additional amount where the couple is responsible for one or more children;
 - (c) for the circumstances in which—
 - (i) a person is, or is not, responsible for a child;
 - (ii) a couple are, or are not, responsible for a child;
 - (d) for payment of the allowance to be made without any claim being made;
 - (e) imposing conditions on persons receiving an allowance, including conditions requiring them to provide to the Department such information as may be prescribed;
 - (f) for the disclosure of information relating to allowances in prescribed circumstances or to prescribed persons;
 - (g) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of an allowance paid in excess of entitlement;
 - (h) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of allowances and for appeals against such decisions;
 - (i) imposing functions (including functions as to the disclosure of information) on a statutory body other than the Department in connection with the administration of the regulations;
 - (j) for such other matters as appear to the Department to be necessary or appropriate in connection with the paying of allowances including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

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(9) Without prejudice to the generality of paragraph (8), regulations may make any provision referred to in that paragraph by applying to, or in relation to, an allowance (with or without prescribed modifications) any statutory provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.

(10) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(11) No regulations shall be made under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(12) If regulations under this Article impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(13) A power conferred by this Article to make regulations includes power—

- (a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;
- (b) to provide for the Department to exercise a discretion in dealing with any matter.

(14) In this Article—

“allowance” means a cost of working allowance;

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

“couple”—

- (a) in relation to a case where the second requirement applies by reference to entitlement to universal credit, has the same meaning as it has for the purposes of the Part 2;
- (b) in relation to a case where that requirement applies by reference to entitlement to working tax credit, has the same meaning as it has for the purposes of Part 1 of the Tax Credits Act 2002;

“prescribed” means prescribed by regulations under this Article;

“statutory body” means a body established by or under a statutory provision.]

Textual Amendments

F14 Art. 137B inserted (13.10.2016) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016 \(S.I. 2016/999\)](#), arts. 2(2)(d), **20(2)**

Duties of the Department

Duty to ensure availability of advice and assistance

138. The Department must ensure that advice and assistance are made available free of charge to persons making a claim under this Order in connection with that claim.

Commencement Information

I13 Art. 138 in operation at 17.2.2016 by [S.R. 2016/46](#), art. 3(5)(h)

Duty to report on operation of this Order

139.—(1) The Department must, not later than 3 years after this Order is made, publish a report on the operation of this Order.

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(2) The Department must lay the report before the Assembly.

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Commencement Information

I14 Art. 139 in operation at 17.2.2016 by S.R. 2016/46, art. 3(5)(h)

Status:

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Changes to legislation:

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