

SCHEDULES

SCHEDULE 2

Article 37

Universal credit: amendments

The Education Reform (Northern Ireland) Order 1989 (NI 20)

1. In Article 131 of the Education Reform (Northern Ireland) Order 1989 (charges and remissions policies), in paragraph (3)(b), for “or an income-related employment and support allowance (payable under Part 1 of the Welfare Reform Act (Northern Ireland) 2007)” substitute “an income-related employment and support allowance (payable under Part 1 of the Welfare Reform Act (Northern Ireland) 2007) or universal credit in such circumstances as may be prescribed for the purposes of this sub-paragraph”.

The Child Support (Northern Ireland) Order 1991 (NI 23)

2. In the Child Support (Northern Ireland) Order 1991, in paragraph 5 of Schedule 1 (maintenance assessments), as it has effect apart from section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, in sub-paragraph (4) after “Where” insert “universal credit (in such circumstances as may be prescribed),”.

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

3. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

4. In section 1 (entitlement to benefit dependent on claim), in subsection (4), before paragraph (a) insert—

“(za) universal credit;”.

5. In section 5 (regulations about claims and payments)—

(a) in subsection (2), before paragraph (a) insert—

“(za) universal credit;”;

(b) in subsection (5), after “in relation to” insert “universal credit or”.

6.—(1) Section 13A (payment out of benefit of sums in respect of mortgage interest) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a), after “entitled, to” insert “universal credit;”;

(b) in paragraph (b), after “determining” insert “the maximum amount for the purposes of universal credit or”;

(c) in the words after paragraph (b), after “whose” insert “maximum amount for the purposes of universal credit or”.

(3) In subsection (4)—

(a) in the definition of “qualifying associate”—

(i) before “falls” insert “or universal credit”;

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(ii) before “, as the case may be,” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”;

(b) in the definition of “relevant benefits”, before paragraph (a) insert—

“(za) universal credit;”.

7. In section 72 (income support and other payments), in subsection (2)(b), after “by way of” insert “universal credit or”.

8. In section 72A (payments of benefit where maintenance payments collected by the Department), in subsection (7), after “applies are” insert “universal credit;”.

9. In section 74 (recovery of social fund awards), in subsection (6)(d), after “receiving” insert “universal credit;”.

10. In section 100 (failure to maintain - general), in subsection (1)(b), after “neglect” insert “universal credit;”.

11. In section 101 (recovery of expenditure on benefit from person liable for maintenance), in subsections (1), (4), (5) and (6)(a) and (b), after “income support” insert “or universal credit”.

12. In section 103 (reduction of expenditure on income support etc), in subsection (1)(a), after “income support” insert “or universal credit”.

13. In section 115CA (interpretation of Part 6), in subsection (1), after paragraph (hi) insert—

“(hj) Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

14. In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b) after “Welfare Reform Act (Northern Ireland) 2007” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

15. In section 118 (regulations as to notification of death), in subsection (1), after “Welfare Reform Act (Northern Ireland) 2007” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

16. In section 119 (information from personal representatives), in subsection (1), after “receipt of” insert “universal credit”.

17. In section 122 (duties of employers; statutory sick pay etc.), in subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

18. In section 124 (duties of employers; statutory maternity pay etc.), in subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

19. After section 139C insert—

“Effect of alterations affecting universal credit

139D.—(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

(a) an award of universal credit is in force in favour of any person (“the recipient”),
and

(b) an alteration—

(i) in any element of universal credit,

(ii) in the recipient’s benefit income,

- (iii) in any amount to be deducted in respect of earned income under Article 13(3)(a) of the Welfare Reform (Northern Ireland) Order 2015,
- (iv) in any component of a contribution-based jobseeker's allowance,
- (v) in any component of a contributory employment and support allowance, or
- (vi) in such other matters as may be prescribed,

affects the computation of the amount of universal credit to which he is entitled.

(2) Where, as a result of the alteration, the amount of universal credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of universal credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of universal credit as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

- (a) in relation to any of the items referred to in subsection (1)(b)(i) to (vi) above, the amount of the alteration which he proposes to make by an order under section 150, 150A or 152 of the Great Britain Administration Act or by or under any other enactment, and
- (b) the date on which he proposes to bring the alteration into force (“the proposed commencing date”).

(5) If, in a case where this subsection applies, an award of universal credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

- (a) may provide for the universal credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (vi) above which will be in force on that date, or
- (b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

“alteration”—

- (a) in relation to any element of universal credit, means its alteration by or under any enactment;
- (b) in relation to a person's benefit income, means the alteration of any of the applicable sums by any enactment or by an order under section 132, 132A or 133 above to the extent that any such alteration affects the amount of his benefit income;
- (c) in relation to any component of a contribution-based jobseeker's allowance or a contributory employment and support allowance, means its alteration by or under any enactment;
- (d) in relation to any other matter, has such meaning as may be prescribed;

“applicable sums” means sums to which an order made under section 132, 132A or 133 above corresponding to an order made under section 150, 150A or 152 (as the case may be) of the Great Britain Administration Act may apply;

Status: This is the original version (as it was originally made).

“benefit income”, in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act or personal independence payment;

“the commencing date”, in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

“component”—

(a) in relation to contribution-based jobseeker’s allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker’s allowance;

(b) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of such an allowance;

“element”, in relation to universal credit, means any of the amounts specified in regulations under Articles 14 to 17 of the Welfare Reform (Northern Ireland) Order 2015 which are included in the calculation of an award of universal credit.”

20. After section 140B insert—

“Implementation of increases in universal credit due to attainment of a particular age

140C.—(1) This section applies where—

- (a) an award of universal credit is in force in favour of a person (“the recipient”), and
- (b) an element has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age (“the qualifying age”).

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an increased amount of universal credit, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient’s entitlement to—

- (a) a benefit under the Contributions and Benefits Act, or
- (b) personal independence payment.

(4) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient’s entitlement to universal credit, other than—

- (a) the question whether the element concerned, or any other element, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient’s case, and
- (b) the question whether, in consequence, the amount of his universal credit falls to be varied.

(5) In this section, “element”, in relation to universal credit, means any of the amounts specified in regulations under Articles 14 to 17 of the Welfare Reform (Northern Ireland) Order 2015 which are included in the calculation of an award of universal credit.”

21. In section 145 (adjustments between National Insurance Fund and Consolidated Fund)—

- (a) in subsection (1)(a)(iii), after “Act” insert “, universal credit”;
- (b) in subsection (6)(a) after “income-related employment and support allowance” insert “, universal credit”.

22. In section 149 (functions of Social Security Advisory Committee in relation to regulations etc), subsection (5) in the definition of “the relevant enactments”—

- (a) in paragraph (af), for the words from “and 59 to 61” to “to that Act” substitute “, 60 and 61 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;”;
- (b) after paragraph (aj) insert—
 - “(ak) the provisions of Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

23.—(1) Section 155 (reciprocal agreements with countries outside the United Kingdom) is amended as follows.

(2) In subsection (3)(a), after “the Welfare Reform Act (Northern Ireland) 2007” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

(3) In subsection (4) at the end of paragraphs (aa), (ab) and (ac) omit the word “and”.

(4) In subsection (4) at the end of paragraph (ad) insert—

“(ae) to Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

(5) In subsection (5), before paragraph (a) insert—

“(za) universal credit;”.

24. In section 156 (payment of travelling expenses), in paragraphs (a) and (b)(i), after “the Welfare Reform Act (Northern Ireland) 2007” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

25. In section 158B (information about postal redirection) in subsection (5)(b), after “1995” insert “, Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

26. In section 163 (certain benefits to be inalienable), in subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

27. In section 167(1) (interpretation), in the definition of “benefit”, after “includes” insert “universal credit;”.

The Children (Northern Ireland) Order 1995 (NI 2)

28. In the Children (Northern Ireland) Order 1995, in the following provisions, after “in receipt” insert “of universal credit (except in such circumstances as may be prescribed),”—

- (a) Article 18(9) (provision of services to children in need, their families and others);
- (b) Article 18C(7)(b) (direct payments);
- (c) Article 24(3) (recoupment of cost of providing services etc);
- (d) Article 39(4) (liability to contribute).

The Jobseekers (Northern Ireland) Order 1995 (NI 15)

29. In Article 4 of the Jobseekers (Northern Ireland) Order 1995, in paragraph (3C) (as inserted by section 11(5) of the Welfare Reform Act (Northern Ireland) 2010), in the definition of “benefit”, before sub-paragraph (a) insert—

“(za) universal credit;”.

The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)

30. In Article 17 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (social security: amendments following certain orders), at the end of paragraph (2) add “the Welfare Reform Act 2012”.

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)

31. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

32. In Article 2 (interpretation), in the definition of “benefit”, after “means” insert “universal credit;”.

33. In the table in Schedule 2 (calculation of compensation payment), in the section relating to compensation for earnings lost during the relevant period, at the top of the second column insert “Universal credit”.

The Social Security (Northern Ireland) Order 1998 (NI 10)

34. The Social Security (Northern Ireland) Order 1998 is amended as follows.

35. In Article 4 (use of computers), in paragraph (2)—

(a) in sub-paragraph (i), the final “or” is repealed;

(b) after sub-paragraph (j) insert—

“or

(k) Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”

36. In Article 9 (decisions by the Department)—

(a) in paragraph (3), after sub-paragraph (a) insert—

“(aa) universal credit;”;

(b) in paragraph (4), for “or Part 1 of the Welfare Reform Act (Northern Ireland) 2007” substitute “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

37. In Article 12 (regulations with respect to decisions), in paragraph (3) in the definition of “the current legislation”, for “and Part 1 of the Welfare Reform Act (Northern Ireland) 2007” substitute “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007 and Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

38. In Article 27 (restriction on entitlement in cases of error), in paragraph (7), in the definition of “benefit” for sub-paragraph (f) substitute—

“(f) universal credit;”.

39. In Article 28 (correction of errors in decisions etc.), in paragraph (3)—

(a) in sub-paragraph (f), the final “or” is repealed;

(b) after sub-paragraph (g) insert—

“(h) Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”

40. In Article 39 (interpretation), in paragraph (1), after the definition of “appeal tribunal” insert—

““claimant”, in relation to a couple jointly claiming universal credit, means the couple or either member of the couple;”.

41.—(1) Schedule 2 (decisions against which no appeal lies) is amended as follows.

(2) After paragraph 6(b)(iv) insert—

“or

(v) section 139D(1)(b) of that Act (universal credit).”

(3) After paragraph 7 insert—

“Increases in universal credit due to attainment of particular ages

7A. A decision as to the amount of benefit to which a person is entitled, where it appears to the Department that the amount is determined by the recipient’s entitlement to an increased amount of universal credit in the circumstances referred to in section 140C(2) of the Administration Act.”

42. In Schedule 3 (decisions against which an appeal lies), after paragraph 3 insert—

“3A. A decision as to the amount of a relevant benefit that is payable to a person by virtue of regulations under section 5B, 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001.”

The Immigration and Asylum Act 1999 (c. 33)

43. In section 115(2) of the Immigration and Asylum Act 1999 (exclusion from benefits of persons subject to immigration control), after “support allowance)” insert “, to universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

44. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing), in subsection (1)(a), after “housing benefit” insert “or universal credit”.

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)

45. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

46. In section 5A (definitions), in subsection (1)—

(a) in the definition of “disqualifying benefit”, before paragraph (a) insert—

“(za) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 or Part 1 of the Welfare Reform Act 2012 (universal credit);”;

(b) in the definition of “sanctionable benefit”, before paragraph (a) insert—

“(za) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit);”.

47.—(1) Section 5B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.

(2) In subsection (5), for “(6)” substitute “(5A)”.

(3) After subsection (5) insert—

Status: This is the original version (as it was originally made).

“(5A) The Department may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

- (a) the amount payable were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
- (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department.”

(4) In subsection (7), after paragraph (c) insert—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

48.—(1) Section 6 (loss of benefit for commission of benefit offence) is amended as follows.

(2) In subsection (2), for “(3)” substitute “(2A)”.

(3) After subsection (2) insert—

“(2A) The Department may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

- (a) the amount payable were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
- (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department.”

(4) In subsection (4), after paragraph (c) insert—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

49.—(1) Section 7 (effect of offence on joint-claim jobseeker’s allowance) is amended as follows.

(2) In subsection (3)—

- (a) for “but” at the end of paragraph (a) substitute “and”;
- (b) after paragraph (a) insert—

“(aa) shall be payable in the couple’s case as if any amount of the allowance payable in prescribed circumstances were recoverable by the Department; but”.

(3) In subsection (4), after paragraph (c) insert—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

(4) In the opening words to subsections (7) and (8) the words “by virtue of any regulations” are repealed.

50.—(1) Section 8 (effect of offence on benefits for members of offender’s family) is amended as follows.

(2) In subsection (1), before paragraph (a) insert—

“(za) universal credit;”.

(3) In subsection (2), for “or” at the end of paragraph (b) substitute “and”.

(4) After subsection (2) insert—

“(2A) In relation to cases in which the benefit is universal credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender’s family member, any universal credit shall be payable, during the whole or a part of any period comprised in the relevant period, as if one or more of the following applied—

- (a) the amount payable were reduced in such manner as may be prescribed;
- (b) the benefit were payable only if there is compliance by the offender or the offender’s family member, or both of them, with such obligations with respect to the provision of information as may be imposed by the regulations;
- (c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;
- (d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department.”

(5) In subsection (4), after paragraph (c) insert—

“(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department.”

51. In section 9(3) (power to supplement and mitigate loss of benefit provisions) after paragraph (bc) insert—

“(bd) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit);”.

52.—(1) In section 10 (loss of benefit regulations), subsection (3) is amended as follows.

(2) In paragraph (c)—

- (a) for “5B(7)” substitute “5B(5A), (7)”;
- (b) for “6(4)” substitute “6(2A), (4)”;
- (c) for “8(4)” substitute “8(2A), (4)”.

(3) In paragraph (d) at the end insert “or (aa)”.

The State Pension Credit Act (Northern Ireland) 2002 (c. 14)

53. In section 4 of the State Pension Credit Act (Northern Ireland) 2002 (exclusions), after subsection (1) insert—

“(1A) A claimant is not entitled to state pension credit if he is a member of a couple the other member of which has not attained the qualifying age.”

The Welfare Reform Act (Northern Ireland) 2007 (c. 2)

54. In Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance: additional conditions), in paragraph 1(5), before paragraph (a) insert—

“(za) universal credit;”.