
STATUTORY INSTRUMENTS

2016 No. 999

The Welfare Reform and Work (Northern Ireland) Order 2016

Benefit cap

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5.—(1) Article 101 of the 2015 Order (benefit cap) is amended as set out in paragraphs (2) to (5).

(2) For paragraph (5) (meaning of the “relevant amount”) substitute—

“(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;

(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.”

(3) Paragraph (6) (estimated average earnings) and the definition of “estimated average earnings” in paragraph (7) are omitted.

(4) In paragraph (7), in the definition of “welfare benefit”, for the words from “means” to the end substitute—

“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).”
- (5) Paragraph (8) (benefits that regulations may not prescribe as welfare benefits) is omitted.
- (6) 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 paragraphs (1) to (5).
- (7) Regulations under paragraph (6) may in particular—
- (a) provide for Article 101 of the 2015 Order to have effect as if the amendments made by paragraphs (1) to (5) 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.
- (8) Regulations under paragraph (6) are subject to negative resolution.