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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 220**

**The Universal Credit, Personal Independence Payment,  
Jobseeker's Allowance and Employment and Support Allowance  
(Claims and Payments) Regulations (Northern Ireland) 2016**

**PART 3**

Evidence, information and notification of changes of circumstances

**Evidence and information in connection with a claim**

**36.**—(1) Subject to regulation 8 of the Personal Independence Payment Regulations (information or evidence required for determining limited or severely limited ability to carry out activities), paragraphs (2) and (3) apply to a person who makes a claim for benefit, other than a jobseeker's allowance, or on whose behalf a claim is made.

(2) The Department may require the person to supply information or evidence in connection with the claim, or any question arising out of it, as it considers appropriate.

(3) The person must supply the Department with the information or evidence in such manner as the Department determines within one month of first being required to do so or such longer period as it considers reasonable.

(4) Where joint claimants have made a claim for universal credit, information relating to that claim may be supplied by the Department to either or both members of the couple for any purpose connected with the claim.

(5) Where a person is a member of a couple and may make a claim as a single person by virtue of regulation 3(2) of the Universal Credit Regulations (couples) and entitlement to or the amount of any universal credit is or may be affected by the circumstances of their partner, the Department may require the partner to—

- (a) confirm the information given about the partner's circumstances;
- (b) supply information or evidence in connection with the claim, or any question arising out of it, as the Department may require,

within one month of being required to do so or such longer period as it may consider reasonable.

(6) The Department may require a landlord to supply information or evidence in connection with a claim for universal credit that may include in the calculation of an award an amount in respect of housing costs, and any information or evidence so requested must be supplied within one month of the request or such longer period as the Department considers reasonable.

(7) Every person providing relevant childcare (as defined in regulation 37 of the Universal Credit Regulations), in a case where the claimant's award of universal credit may include an amount in respect of childcare costs under regulation 32 of those Regulations, must supply such information or evidence in connection with the claim made by the claimant, or any question arising out of it, as may be required by the Department, and must do so within one month of being required to do so or such longer period as it may consider reasonable.

(8) In this regulation any reference to a person or joint claimants making a claim for benefit, other than a jobseeker's allowance, is to be interpreted as including a person or joint claimants in a case where it is not a condition of entitlement to benefit that a claim be made for it.

(9) In this regulation any reference to a claim for a benefit, other than a jobseeker's allowance, is to be interpreted as including a potential award of benefit in a case where it is not a condition of entitlement to benefit that a claim be made for it.

### **Evidence and information in connection with an award**

**37.**—(1) This regulation, [F1apart from paragraph (7) and (9)], applies to any person entitled to benefit, other than a jobseeker's allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable.

(2) Subject to regulation 8 of the Personal Independence Payment Regulations, a person to whom this regulation applies must supply in such manner as the Department may determine and within the period applicable under regulation 44(4)(a) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 <sup>M1</sup> such information or evidence as the Department may require for determining whether a decision on the award of benefit should be revised under Article 10 of the Social Security (Northern Ireland) Order 1998 <sup>M2</sup> or superseded under Article 11 of that Order.

(3) A person to whom this regulation applies must supply in such manner and at such times as the Department may determine such information or evidence as the Department may require in connection with payment of the benefit awarded.

(4) A person to whom this regulation applies must notify the Department of any change of circumstances which the person might reasonably be expected to know might affect—

- (a) the continuance of entitlement to benefit;
- (b) the amount of benefit awarded; or
- (c) the payment of benefit,

as soon as reasonably practicable after the change occurs.

(5) A notification of any change of circumstances under paragraph (4) must be given—

- (a) in writing or by telephone (unless the Department determines in any case that notice must be given in a particular way or to accept notice given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case the Department requires written notice (unless it determines in any case to accept notice given otherwise than in writing),

and must be sent or delivered to, or received at, the appropriate office.

(6) Where universal credit has been awarded to joint claimants, information relating to that award may be supplied by the Department to either or both members of the couple for any purpose connected with that award.

(7) Every person providing relevant childcare (as defined in regulation 37 of the Universal Credit Regulations), in a case where the claimant's award of universal credit includes an amount in respect of childcare costs under regulation 32 of those Regulations, must supply such information or evidence in connection with the award, or any question arising out of it, as the Department may require, and must do so within one month of being required to do so or such longer period as it may consider reasonable.

(8) Where the calculation of an award of universal credit includes, by virtue of regulation 30 of the Universal Credit Regulations, an amount in respect of the fact that a claimant has regular and substantial caring responsibilities for a severely disabled person, the Department may require a person to whom this regulation applies to furnish a declaration signed by such severely disabled

person confirming the particulars respecting the severely disabled person which have been given by that person.

[<sup>F2</sup>(9) A landlord, in a case where a claimant's award of universal credit includes an amount in respect of housing costs or where the award may be revised or superseded to include such an amount, must supply such information or evidence in connection with the award, or any question arising out of it, as the Department may require, and must do so within one month of being required to do so or such longer period as the Department considers reasonable.]

#### Textual Amendments

- F1** Words in [reg. 37\(1\)](#) substituted (13.7.2020) by [The Universal Credit \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/107\)](#), regs. 1(2), **3(1)(a)**
- F2** [Reg. 37\(9\)](#) added (13.7.2020) by [The Universal Credit \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/107\)](#), regs. 1(2), **3(1)(b)**

#### Marginal Citations

- M1** [S.R. 2016 No. 221](#).
- M2** [S.I. 1998/1506 \(N.I. 10\)](#); Article 11 was amended by paragraph 17 of Schedule 6 and Schedule 9 to the [Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#).

### Evidence and information required from pension fund holders

**38.**—(1) Where a claimant or the claimant's partner is aged not less than 60 and is a member of, or a person deriving entitlement to a pension under a personal pension scheme, or an occupational pension scheme, such a person must, where the Department so requires, furnish the following information—

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme or occupational pension scheme to be identified.

(2) Where the pension fund holder receives from the Department a request for details concerning the personal pension scheme or occupational pension scheme relating to a person to whom paragraph (1) refers, the pension fund holder must provide the Department with any information to which paragraph (3) refers.

(3) The information to which this paragraph refers is—

- (a) where the purchase of an annuity under a personal pension scheme or occupational pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme or occupational pension scheme;
- (b) in the case of—
  - (i) a personal pension scheme or occupational pension scheme where income withdrawal is available, the [<sup>F3</sup>rate of the annuity which may have been purchased with the funds held under the scheme], or
  - (ii) a personal pension scheme or occupational pension scheme where income withdrawal is not available, the [<sup>F4</sup>rate of the annuity which might have been purchased with the fund] if the fund were held under a personal pension scheme or occupational pension scheme where income withdrawal was available,

calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.

**Changes to legislation:** There are currently no known outstanding effects for the *The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, PART 3*. (See end of Document for details)

(4) In this regulation any reference to a claimant is to be interpreted as including a person in a case where it is not a condition of entitlement to benefit that a claim be made for it.

(5) This regulation does not apply to a person claiming personal independence payment.

(6) In this regulation—

“pension fund holder” means, with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators of the scheme concerned;

“personal pension scheme” means—

- (a) a personal pension scheme as defined by section 1 of the Pensions Schemes (Northern Ireland) Act 1993 <sup>M3</sup>;
- (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 <sup>M4</sup> or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004 <sup>M5</sup>;
- (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

“occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases.

#### Textual Amendments

- F3** Words in reg. 38(3)(b)(i) substituted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/218\)](#), regs. 1(1), **16(a)**
- F4** Words in reg. 38(3)(b)(ii) substituted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 2\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/218\)](#), regs. 1(1), **16(b)**

#### Marginal Citations

- M3** 1993 c. 49; the definition of “personal pension scheme” was substituted by Article 216(3) of the [Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#) and amended by Part 3(2) of Schedule 27 to the [Finance Act 2007 \(c. 11\)](#).
- M4** 1988 c. 1; sections 620 to 622 were repealed by Part 3 of Schedule 42 to the [Finance Act 2004 \(c. 12\)](#) subject to savings provisions in Schedule 36 to that Act.
- M5** 2004 c. 12.

### Notification of changes of circumstances for purposes of sections 105A and 106 of the Administration Act

**39.—(1)** This regulation prescribes the person to whom, and manner in which, a change of circumstances must be notified for the purpose of sections 105A(1A) to (1G) and 106(1A) to (1F) of the Administration Act <sup>M6</sup> (offences relating to failure to notify a change of circumstances).

(2) Subject to paragraph (3), notice of a change of circumstances must be given to the Department at the appropriate office—

- (a) in writing or by telephone (unless the Department determines in any case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case the Department requires written notice (unless it determines in any case to accept notice given otherwise than in writing).

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**Changes to legislation:** There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, PART 3. (See end of Document for details)

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(3) Where the notice in writing referred to in paragraph (2) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 1.

**Marginal Citations**

**M6** Section 105A was inserted by Article 12 of the [Social Security Administration \(Fraud\) \(Northern Ireland\) Order 1997 \(S.I. 1997/1182 \(N.I. 11\)\)](#) and subsections (1A) to (1G) were inserted by section 15(1)(b) of the Social Security Fraud Act (Northern Ireland) Act 2001 (c. 17 (N.I.)), in section 106 subsection (1A) was inserted by Article 12 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 and subsections (1A) to (1F) were substituted for that subsection by section 15(2) of the Social Security Fraud Act (Northern Ireland) 2001.

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, PART 3.