

## SCHEDULE 1 **N.I.**

Regulation 3

### Electronic communications

## **PART 1** **N.I.**

### Use of electronic communications

#### **Use of electronic communications by the Department** **N.I.**

1. The Department may use an electronic communication in connection with claims for, and awards of, any benefit.

#### **Conditions for the use of electronic communications by other persons** **N.I.**

2.—(1) A person other than the Department may use an electronic communication in connection with the matters referred to in paragraph 1 if the conditions specified in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the person is for the time being permitted to use an electronic communication for the purpose in question by an authorisation given by means of a direction of the Department.

(3) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication where required to do so;
- (b) electronic communication;
- (c) authenticating any claim or information delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (6), submitting any claim or information to the Department.

(4) The third condition is that any claim or information sent by means of an electronic communication is in an approved form.

(5) The fourth condition is that the person maintains such records as may be specified in a direction given by the Department.

(6) Where the person uses any method other than the method approved by the Department of submitting any claim or information, it is to be treated as not having been submitted.

(7) In this paragraph “approved” means approved by means of a direction given by the Department for the purposes of this Schedule.

#### **Use of intermediaries** **N.I.**

3. The Department may use intermediaries in connection with—

- (a) the delivery of any claim or information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

## **PART 2** **N.I.**

### Evidential provisions

#### **Effect of delivering information by electronic communications** **N.I.**

4.—(1) Any claim or information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of these Regulations on the day on which the conditions imposed—

- (a) by this Schedule; and
- (b) by or under an applicable statutory provision (except to the extent that the condition thereby imposed is incompatible with this Schedule),

are satisfied.

(2) The Department may, by a direction, determine that any claim or information is to be treated as delivered on a different day (whether earlier or later) from the day specified in sub-paragraph (1).

(3) Any claim or information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### **Proof of delivery** **N.I.**

5.—(1) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Department, if the delivery of that claim or information is recorded on an official computer system; or
- (b) in the case of any information that falls to be delivered by the Department, if the despatch of that information is recorded on an official computer system.

(2) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, not to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Department, if the delivery of that claim or information is not recorded on an official computer system; or
- (b) in the case of information that falls to be delivered by the Department, if the despatch of that information is not recorded on an official computer system.

(3) The time and date of receipt of any claim or information sent by an approved method of electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

#### **Proof of identity** **N.I.**

6.—(1) The identity of—

- (a) the sender of any claim or information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any claim or information delivered by means of an electronic communication from an official computer system,

is to be presumed, unless the contrary is proved, to be the person whose name is recorded as such on that official computer system.

**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. (See end of Document for details)

(2) Any claim or information delivered by an approved method of electronic communication on behalf of another person (“P”) is to be deemed to have been delivered by P unless P proves that it was delivered without P's knowledge or connivance.

## Proof of content **N.I.**

7. The content of any claim or information sent by means of an electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

## SCHEDULE 2 **N.I.**

Regulation 4

### Consequential amendments

1.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 <sup>M1</sup> are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1 (citation and commencement)—

(a) in the heading for “and commencement” substitute “, commencement and application”; and

(b) renumber the existing provision as paragraph (1) and after that paragraph insert—

“(2) In so far as these Regulations apply to—

(a) an employment and support allowance, they apply to that allowance under Part 1 of the Welfare Reform Act as it has effect apart from the amendments made by Schedule 3 and Part 1 of Schedule 12 to the 2015 Order that remove references to an income-related allowance;

(b) a jobseeker's allowance, they apply to that allowance under the Jobseekers Order as it has effect apart from the amendments made by Part 1 of Schedule 12 to the 2015 Order that remove references to an income-based allowance.

(3) These Regulations do not apply to universal credit (within the meaning of Part 2 of the 2015 Order) or personal independence payment (within the meaning of Part 5 of that Order).”.

(3) In regulation 2(1) (interpretation) after the definition of “the 2002 Act”<sup>M2</sup> insert—

““the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;

“the 2016 Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016;”.

(4) For regulation 21(1) (direct credit transfer) substitute—

“(1) The Department may arrange for benefit to be paid by way of direct credit transfer into a bank account or other account nominated by the person entitled to benefit or a person acting on their behalf.”.

(5) In paragraph 2 of Schedule 8C <sup>M3</sup> (deductions from benefit in respect of child support maintenance and payment to persons with care) after sub-paragraph (2) insert—

“(2A) Where paragraph 5 of Schedule 6 to the 2016 Regulations (deductions from benefit in respect of child maintenance and payment to persons with care – flat rate maintenance) applies, the Department shall not make deductions under paragraphs 5 and 6 of this Schedule, unless the amount of specified benefit (within the meaning of paragraph 1 of Schedule 6 to the 2016 Regulations) is insufficient to meet the deduction under paragraph 5 of that Schedule.”.

**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. (See end of Document for details)

#### Marginal Citations

- M1** S.R. 1987 No. 465; relevant amending Regulations are S.R. 2001 No. 22, S.R. 2003 No. 191, S.R. 2008 No. 286 and S.R. 2014 No. 182.
- M2** The definition of “the 2002 Act” was inserted by regulation 3(a)(i) of S.R. 2003 No. 191.
- M3** Schedule 8C was inserted by regulation 2(3) of S.R. 2001 No. 22 and paragraph 2 was amended by regulation 14(3)(a) of S.R. 2003 No. 191, **regulation 13(20)(a)** of S.R. 2008 No. 286 and regulation 10(3) of S.R. 2014 No. 182.

2. In regulation 80(5) of the Housing Benefit Regulations (Northern Ireland) 2006 (who may claim) after “of the Act” insert “or under regulation 52 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2016”.

3. In regulation 9 of the Integration Loans for Refugees and Others Regulations 2007<sup>M4</sup>—
- (a) in paragraph (1) after “Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”; and
- (b) in paragraph (3)(b) after “Regulations 2013” insert “or Schedule 5 to the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016”.

#### Marginal Citations

- M4** S.I. 2007/1598; regulation 9 was amended by paragraph 4 of Schedule 3 to S.I. 2013/380.

## SCHEDULE 3 **N.I.**

Regulation 35(2)

### Special provisions relating to claims for a jobseeker's allowance during periods connected with public holidays

1. In this Schedule—
- “Christmas and New Year holidays” means the period beginning at the start of Christmas Day and terminating at the end of New Year's Day or, if New Year's Day is a Sunday, at the end of 2nd January;
- “Easter holidays” means the period beginning at the start of Good Friday and terminating at the end of Easter Monday.
2. Where a claim for a jobseeker's allowance is made during any period set out in paragraph 3, the Department may treat that claim as a claim for a period, to be specified in a decision of the Department, not exceeding—
- (a) 35 days after the date of the claim where the claim is made during the period specified in paragraph 3(a); or
- (b) 21 days after the date of claim where the claim is made during the period specified in paragraph 3(b) or (c).
3. For the purposes of paragraph 2 the periods are—
- (a) in the case of Christmas and the New Year holidays, a period beginning with the start of the 35th day before the first day of office closure and terminating at the end of the last day of office closure;

**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. (See end of Document for details)

- (b) in the case of Easter holidays, a period beginning with the start of the 16th day before the first day of office closure and terminating at the end of the last day of office closure;
- (c) in the case of any other public holiday, a period beginning with the start of the 14th day before the first day of office closure and terminating at the end of the last day of office closure.

<sup>F1</sup>SCHEDULE 4 **N.I.**

Regulation 54

**Textual Amendments**

- F1** Sch. 4 omitted by S.R. 2017/176, Sch 5 para. 8(c) (as inserted (6.4.2018) by virtue of [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018](#) (S.R. 2018/37), regs. 1(3), **2(18)(e)**)

SCHEDULE 5 **N.I.**

Regulation 55

Deductions from benefit and direct payment to third parties

**Interpretation** **N.I.**

1.—(1) In this Schedule—

“assessment period” has the meaning given by regulation 22 of the Universal Credit Regulations;

“child element” means, in relation to any claimant, any amount included in the claimant's award of universal credit under regulation 25 of the Universal Credit Regulations;

“the Fraud Act” means the Social Security Fraud Act (Northern Ireland) 2001 <sup>M5</sup>;

“the Housing Executive” means the Northern Ireland Housing Executive;

“standard allowance” means, in relation to any claimant, any amount included in the claimant's award of universal credit under Article 14(1) of the 2015 Order;

“water charges” means charges for water or sewerage under Chapter I of Part VII of the Water and Sewerage Services (Northern Ireland) Order 2006 <sup>M6</sup>;

“the work allowance” means, in relation to any claimant, the amount applicable to that claimant under regulation 23(2) of the Universal Credit Regulations.

(2) For the purposes of this Schedule where the relevant percentage of the standard allowance results in a fraction of a penny, that fraction is to be disregarded if it is less than half a penny otherwise it is to be treated as a penny.

**Marginal Citations**

**M5** 2001 c. 17 (N.I.).

**M6** S.I. 2006/3336 (N.I. 21).

*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. (See end of Document for details)*

## **General** **N.I.**

2.—(1) The Department may deduct an amount from a claimant's award of universal credit and pay that amount to a third party in accordance with the following provisions of this Schedule to discharge (in whole or in part) a liability of the claimant to that third party.

(2) A payment made to a third party in accordance with this Schedule may be made at such intervals as the Department may direct.

## **Limitations applicable to deductions made under this Schedule** **N.I.**

3.—(1) The Department may not deduct an amount from a claimant's award of universal credit under this Schedule and pay that amount to a third party if, in relation to any assessment period, that would—

- (a) reduce the amount payable to the claimant to less than one penny; or
- (b) result in more than three deductions being made, in relation to that assessment period, under one or more of the provisions mentioned in sub-paragraph (2).

(2) The provisions are—

- (a) paragraph 6 (housing costs);
- (b) paragraph 7 (rent and service charges included in rent);
- (c) paragraph 8 (fuel costs);
- (d) paragraph 9 (rates);
- (e) paragraph 10 (water charges);
- (f) paragraph 11 (payments in place of payments of child support maintenance);
- (g) paragraph 12 (integration loans).

(3) The aggregate amount deducted from a claimant's award of universal credit in relation to any assessment period and paid to a third party under paragraphs 8 and 10 must not, without the claimant's consent, exceed the sum equal to 25 per cent. of the aggregate of the standard allowance and any child element.

## **Maximum amount** **N.I.**

4.—(1) Except as provided for in sub-paragraph (4), the Department may not deduct an amount from a claimant's award of universal credit under a provision mentioned in paragraph 5(2) if, in relation to any assessment period, that would result in the Department deducting an amount in excess of 40 per cent. of the standard allowance (“the maximum amount”) from the claimant's award under one or more relevant provisions.

(2) The relevant provisions are—

- (a) those mentioned in paragraph 5(2);
- (b) Article 31 of the 2015 Order (higher-level sanctions);
- (c) Article 32 of the 2015 Order (other sanctions);
- (d) section 69ZG of the Administration Act <sup>M7</sup> (recovery of payments on account);
- (e) section 5B of the Fraud Act <sup>M8</sup> (loss of benefit in case of conviction, penalty or caution for benefit offence);
- (f) section 6 of the Fraud Act <sup>M9</sup> (loss of benefit for second or subsequent conviction of benefit offence); and

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(g) section 8 of the Fraud Act <sup>M10</sup> (effect of offence on benefits for members of offender's family).

(3) For the purposes of determining whether the maximum amount would be exceeded, no account is to be taken of any liability for continuing need mentioned in—

- (a) paragraph 8(4)(b) (fuel costs); or
- (b) paragraph 10(6)(b) or (7)(b) (water charges).

(4) Subject to paragraph 3, the Department may deduct an amount from the claimant's award under paragraph 6, 7 or 8 and pay that amount to a third party where the deduction appears to the Department to be in the claimant's best interests, even though the deduction would result in the maximum amount being exceeded.

#### Marginal Citations

- M7** Section 69ZG is inserted by Article 109(1) of the [Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006 \(N.I. 1\)\)](#).
- M8** Section 5B was inserted by section 19(1) of the [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13 \(N.I.\)\)](#) and amended by Articles 115(8)(a), 117(2) to (6) and 118(2) of, and paragraph 47 of Schedule 2, paragraph 14 of Schedule 3 and Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015.
- M9** Section 6 was amended by paragraph 33 of Schedule 2 to the [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14 \(N.I.\)\)](#), [paragraph 14](#) of Schedule 3 to the [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2 \(N.I.\)\)](#) and paragraph 1 of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2010 and Articles 117(7) and 118(3) to (11) of, and paragraph 48 of Schedule 2, paragraph 15 of Schedule 3 and Part 1 of Schedule 12 to, the Welfare Reform (Northern Ireland) Order 2015.
- M10** Section 8 was amended by paragraph 34 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002, paragraph 14(4) and (5) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007, paragraph 3 of Schedule 3 to the Welfare Reform Act 2010 and paragraph 50 of Schedule 2 and Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015.

#### Priority as between certain debts **N.I.**

5.—(1) This paragraph applies to a claimant (“C”) where, in relation to any assessment period—

- (a) a deduction could otherwise be made from C's award under more than one of the provisions mentioned in sub-paragraph (2); and
- (b) the amount of universal credit payable to C in relation to that assessment period is insufficient to enable the Department to meet all of the liabilities for which in C's case deductions may be made under those provisions or the deduction, were it to be made, would mean that the maximum amount referred to in paragraph 4(1) would be exceeded.

(2) The provisions are—

- (a) paragraph 6 (housing costs);
- (b) paragraph 7 (rent and service charges included in rent);
- (c) paragraph 8 (fuel costs);
- (d) paragraph 9 (rates);
- (e) paragraph 10 (water charges);
- (f) paragraph 11 (payments in place of child support maintenance);
- (g) Schedule 6 (deductions from benefit in respect of child support maintenance and payment to persons with care);



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- (h) section 74(2) of the Administration Act (recovery of social fund awards);
- (i) section 69ZH(1)(a) or (b) of the Administration Act <sup>M11</sup> (recovery of hardship payments etc.);
- (j) section 109A of the Administration Act <sup>M12</sup> (penalty as alternative to prosecution) where an overpayment is recoverable from a person by, or due from a person to, the Department or the Housing Executive under or by virtue of section 69, 69ZB or 73 of that Act <sup>M13</sup>;
- (k) sections 69, 69ZC or 73(4) of the Administration Act <sup>M14</sup> (overpayments and deduction from benefit) or an overpayment of working tax credit or child tax credit, where in each case, the overpayment (or part of it) is the result of fraud;
- (l) section 69, 69ZC or 73(4) of the Administration Act or an overpayment of working tax credit or child tax credit, where in each case, the overpayment (or part of it) is not the result of fraud;
- (m) paragraph 12 (integration loans).

(3) Where this paragraph applies to a claimant, the Department must make a deduction under any of the provisions mentioned in sub-paragraph (2) in accordance with sub-paragraphs (4) and (5).

(4) The Department must give priority to any such deductions in the order in which they are listed in sub-paragraph (2), with housing costs having the priority.

(5) Where two or more provisions mentioned in any single head of sub-paragraph (2) apply to the claimant, unless the Department directs otherwise, those deductions have equal priority with each other and the amount of such deductions are to be apportioned accordingly.

(6) For the purposes of sub-paragraph (2)(k) and (l), an overpayment is the result of fraud if, in relation to that overpayment or that part of it, the claimant—

- (a) has been found guilty of an offence whether under statute or otherwise;
- (b) made an admission after caution of deception or fraud for the purpose of obtaining benefit under the Administration Act, or in the case of a tax credit, under the Tax Credits Act 2002 <sup>M15</sup>, or
- (c) agreed to pay a penalty under section 109A of the Administration Act and the agreement has not been withdrawn.

### Marginal Citations

**M11** Section 69ZH is inserted by Article 109(1) of the Welfare Reform (Northern Ireland) Order 2015.

**M12** Section 109A was inserted by Article 14 of the [Social Security Administration \(Fraud\) \(Northern Ireland\) Order 1997 \(S.I. 1997/1182 \(N.I. 11\)\)](#) and amended by section 13 of the Social Security Fraud Act (Northern Ireland) 2001 and Articles 109(3), 115(1) to (7) and 116(1) of, and Part 1 of Schedule 12 to, the Welfare Reform (Northern Ireland) Order 2015.

**M13** Section 69 was amended by Article 33(1) of, and paragraph 31 of Schedule 2 and Schedule 3 to, the [Jobseekers \(Northern Ireland\) Order 1995 \(S.I. 1995/2705 \(N.I. 15\)\)](#), **section 2** of the [Social Security \(Overpayments\) Act 1996 \(c. 51\)](#), **Schedule 6** to the [Tax Credits Act 2002 \(c. 21\)](#), **paragraph 62** of Schedule 6 to the [Social Security \(Northern Ireland\) Order 1998 \(S.I. 1998/1506 \(N.I. 10\)\)](#), **paragraph 10** of Schedule 2 to the [State Pension Credit Act \(Northern Ireland\) 2002](#), paragraph 110 of Schedule 24 to the [Civil Partnership Act 2004 \(c. 33\)](#), **section 135(4)** of the [Health and Social Care Act 2008 \(c. 14\)](#), **section 41(3)** of, and paragraph 4(6) of Schedule 3 to, the [Welfare Reform Act \(Northern Ireland\) 2007](#), section 107(2) of the [Welfare Reform Act 2012 \(c. 5\)](#) and is amended by Articles 109(2) and 110(1) of, and paragraph 9 of Schedule 9 to, the Welfare Reform (Northern Ireland) Order 2015, section 69ZB is inserted by Article 109(1) of the Welfare Reform (Northern Ireland) Order 2015 and section 73 was amended by Article 15 of, and paragraph 2 of Schedule 1 and Schedule 2 to, the [Social Security Administration \(Fraud\) \(Northern Ireland\) Order 1997](#), section 62 of the [Child Support, Pensions and](#)



**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. (See end of Document for details)

[Social Security Act \(Northern Ireland\) 2000 \(c. 4 \(N.I.\)\)](#) and is amended by Article 110(3) of the Welfare Reform (Northern Ireland) Order 2015.  
**M14** [Section 69ZC](#) is inserted by Article 109(1) of the Welfare Reform (Northern Ireland) Order 2015.  
**M15** [2002 c. 21](#).

**Housing costs** **N.I.**

6.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for any item of housing costs which is included in the claimant's award of universal credit under Schedule 5 to the Universal Credit Regulations (housing costs element for owner-occupiers).

(3) Where this paragraph applies, but subject to sub-paragraph (4), the Department may, in such cases and circumstances as it may determine, in relation to that assessment period deduct an amount from the claimant's award equal to 5 per cent. of the standard allowance in respect of any debt mentioned in sub-paragraph (2) and pay that amount or those amounts to the person to whom any such debt is owed.

(4) Before the Department may commence (or re-commence) making deductions in respect of any such debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

<sup>F2</sup>(5) .....

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

**Textual Amendments**  
**F2** Sch. 5 para. 6(5)(6) omitted by S.R. 2017/176, Sch 5 para. 8(d) (as inserted (6.4.2018) by virtue of [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations \(Northern Ireland\) 2018 \(S.R. 2018/37\)](#), regs. 1(3), **2(18)(e)**)

**Rent and service charges included in rent** **N.I.**

7.—(1) This paragraph applies where all of the following conditions are met.

(2) The first condition is that in any assessment period the claimant—

- (a) has an award of universal credit which includes an amount under Schedule 4 to the Universal Credit Regulations (housing costs element for renters); or
- (b) occupies exempt accommodation and has an award of housing benefit under section 129 of the Contributions and Benefits Act (housing benefit) <sup>M16</sup>.

(3) The second condition is that the claimant is in debt for any—

- (a) rent payments;
- (b) service charges which are paid with or as part of the claimant's rent.

(4) The third condition is that the claimant occupies the accommodation to which the debt relates.

(5) Where this paragraph applies, but subject to sub-paragraphs (6) and (7), the Department may, in such cases and circumstances as the Department may determine, deduct in relation to that assessment period an amount from the claimant's award equal to 5 per cent. of the standard allowance and pay that amount to the person to whom the debt is owed.

(6) Before the Department may commence (or re-commence) making deductions in respect of such a debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

**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. (See end of Document for details)

(7) The Department must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(8) In this paragraph—

“exempt accommodation” has the meaning given by paragraph 1 of Schedule 1 to the Universal Credit Regulations (meaning of payments in respect of accommodation);

“rent payments” includes any elements included in the claimant's rent which would not fall to be treated as rent under the Housing Benefit Regulations (Northern Ireland) 2006<sup>M17</sup> or as rent payments under the Universal Credit Regulations;

“service charges” includes any items in a charge for services in respect of the accommodation occupied by the claimant which would not fall to be treated as service charges under the Universal Credit Regulations.

#### Marginal Citations

**M16** Section 129 was amended by Article 8(2) of the [Housing Support Services \(Northern Ireland\) Order 2002 \(S.I. 2002/3154 \(N.I. 8\)\)](#) and Schedule 8 to the Welfare Reform Act (Northern Ireland) 2007.

**M17** S.R. 2006 No. 405.

#### Fuel costs **N.I.**

8.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for any fuel item.

(3) Where this paragraph applies, but subject to sub-paragraphs [F<sup>3</sup>(4A), (5) and (6)], the Department may, in such cases and circumstances as the Department may determine, deduct in relation to that assessment period the following amounts from the claimant's award and pay them to the person to whom the payment is due.

(4) The amount which may be deducted in respect of any fuel item is—

- (a) an amount equal to 5 per cent. of the standard allowance; and
- (b) an additional amount which the Department estimates is [F<sup>4</sup>not more than] the average monthly cost necessary to meet the claimant's continuing need for the fuel in respect of which the debt arose, except where current consumption is paid for by other means such as a pre-payment meter.

[F<sup>5</sup>(4A) The Department may only make deductions under sub-paragraph (4)(b) if—

- (a) an application for deductions is made by the person to whom the payment is due; and
- (b) except where the application is for a reduction in the amount of a deduction, the claimant consents to the application.]

(5) Before the Department may commence (or re-commence) making deductions in respect of such a debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(6) The Department must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

**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. (See end of Document for details)

(7) As between liabilities for items of gas or electricity, the Department must give priority to whichever liability the Department considers it would, having regard to the circumstances and to any requests of the claimant, be appropriate to discharge.

(8) In this paragraph “fuel item” means—

- (a) any charge for mains gas, including any charge for the reconnection of mains gas;
- (b) any charge for mains electricity, including any charge for the disconnection or reconnection of mains electricity.

#### Textual Amendments

- F3** Words in [Sch. 5 para. 8\(3\)](#) substituted (with application in accordance with reg. 1(2) of the amending S.R.) by [The Social Security Benefits \(Claims and Payments\) \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/67\)](#), regs. 1(1), **3(3)**
- F4** Words in [Sch. 5 para. 8\(4\)\(b\)](#) substituted (with application in accordance with reg. 1(2) of the amending S.R.) by [The Social Security Benefits \(Claims and Payments\) \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/67\)](#), regs. 1(1), **3(4)**
- F5** [Sch. 5 para. 8\(4A\)](#) inserted (with application in accordance with reg. 1(2) of the amending S.R.) by [The Social Security Benefits \(Claims and Payments\) \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/67\)](#), regs. 1(1), **3(5)**

#### Rates **N.I.**

9.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant has a current liability for rates (within the meaning of the Rates (Northern Ireland) Order 1977 <sup>M18</sup>) and is in rates arrears.

(3) Where this paragraph applies, but subject to sub-paragraphs (4) and (5), the Department may, where the Department of Finance has requested it to make payment in accordance with this paragraph, deduct in relation to that assessment period an amount from the claimant's award equal to 5 per cent. of the standard allowance and pay that amount to the Department of Finance.

(4) Before the Department may commence (or re-commence) making deductions in respect of any such debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(5) The Department must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

#### Marginal Citations

**M18** [S.I. 1977/2157 \(N.I. 28\)](#).

#### Water charges **N.I.**

10.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for water charges, including any charges for reconnection (“the original debt”).

(3) Where this paragraph applies, but subject to sub-paragraphs (4) and (5), the Department may, in such cases and circumstances as the Department may determine, deduct an amount from

*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. (See end of Document for details)*

the claimant's award in accordance with sub-paragraphs (6) to (8) and pay it to a water undertaker to whom the payment is due or to the person or body authorised to collect water charges for that undertaker.

(4) Before the Department may commence (or re-commence) making deductions in respect of such a debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(5) The Department must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(6) Where water charges are determined by means of a water meter, the amount to be deducted under this paragraph in relation to any assessment period is to be—

- (a) an amount equal to 5 per cent. of the standard allowance towards discharging the original debt; and
- (b) an additional amount which the Department estimates to be the average monthly cost necessary to meet the claimant's continuing need for water consumption.

(7) Where water charges are determined otherwise than by means of a water meter, the amount to be deducted in relation to any assessment period under this paragraph is to be—

- (a) the amount referred to in sub-paragraph (6)(a); and
- (b) an additional amount equal to the cost necessary to meet the continuing need for water consumption in that assessment period.

(8) Where the claimant is in debt to two water undertakers—

- (a) only one amount under sub-paragraph (6)(a) or (7)(a) may be deducted;
- (b) a deduction in respect of an original debt for sewerage may only be made after the whole debt in respect of an original debt for water has been paid; and
- (c) deductions in respect of continuing charges for both water and sewerage may be made at the same time.

(9) In this paragraph “water undertaker” means a company appointed as a water undertaker or a sewerage undertaker under Article 13(1) of the Water and Sewerage Services (Northern Ireland) Order 2006.

**Payments in place of payments of child support maintenance** **N.I.**

<sup>F6</sup>11. ....

**Textual Amendments**

**F6** Sch. 5 para. 11 omitted (10.12.2019) by virtue of [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(2)**

**Integration loans** **N.I.**

12.—(1) This paragraph applies where the claimant has an integration loan which is recoverable by deductions.

(2) Where this paragraph applies, the amount payable by deductions in any assessment period is to be equal to 5 per cent. of the standard allowance.

**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. (See end of Document for details)

(3) In this paragraph “integration loan which is recoverable by deductions” means an integration loan which is made under the Integration Loans for Refugees and Others Regulations 2007<sup>M19</sup> and which is recoverable from the claimant by deductions from the claimant's award of universal credit under regulation 9 of those Regulations (repayment of an integration loan).

#### Marginal Citations

**M19** S.I. 2007/1598; regulation 9 was amended by paragraph 4 of Schedule 3 to S.I. 2013/380 and is amended by paragraph 3 of Schedule 2 to these Regulations.

## SCHEDULE 6 **N.I.**

Regulation 55

Deductions from benefit in respect of child support maintenance and payment to persons with care

### Interpretation **N.I.**

1. In this Schedule—

“beneficiary” means a person who has been awarded a specified benefit;

“fee” means any collection fee under Part 2 of the Child Support Fees Regulations (Northern Ireland) 2014<sup>M20</sup> which is payable by the non-resident parent;

“maintenance”, except in [F<sup>7</sup>paragraph 3(1)], means child support maintenance which a non-resident parent is liable to pay under the Child Support Order at a flat rate (or would be so liable but for a variation having been agreed to) where that rate applies (or would have applied) because the non-resident parent falls within [F<sup>8</sup>paragraph 4(1)(a), (b)], (c) or (2) of Schedule 1 to that Order<sup>M21</sup> (flat rate) and includes such maintenance payable at a transitional rate in accordance with regulations made under section 28(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (transitional provisions, savings, etc.);

“person with care” has the same meaning as in Article 4 of the Child Support Order (meaning of certain other terms used in this Order);

“specified benefit” means—

- (a) an employment and support allowance;
- (b) a jobseeker's allowance;
- (c) universal credit.

#### Textual Amendments

**F7** Words in Sch. 6 para. 1 substituted (10.12.2019) by The Child Support (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2019 (S.R. 2019/222), regs. 1(1), **3(3)(a)(i)**

**F8** Words in Sch. 6 para. 1 substituted (10.12.2019) by The Child Support (Miscellaneous Amendments No. 4) Regulations (Northern Ireland) 2019 (S.R. 2019/222), regs. 1(1), **3(3)(a)(ii)**

#### Marginal Citations

**M20** S.R. 2014 No. 182.

**M21** Paragraph 4 of Schedule 1 was substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and is amended by Schedule 1 to the Child Maintenance Act (Northern Ireland) 2008 (c. 10 (N.I.)).

**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. (See end of Document for details)

**Deductions** **N.I.**

2.—(1) Subject to the following provisions of this paragraph and to paragraph 5, the Department may deduct from any specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance and any fee which is payable by the beneficiary and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance, and retain any amount deducted in discharge of any liability to pay a fee.

(2) A deduction for maintenance and fees may only be made from one specified benefit in respect of the same period.

(3) No amount may be deducted under this Schedule from any employment and support allowance or any jobseeker's allowance awarded to the claimant if that would reduce the amount of the benefit payable to the claimant to less than 10 pence.

(4) No amount may be deducted under this Schedule from any universal credit awarded to the claimant if that would reduce the amount payable to the claimant to less than one penny.

**Arrears** **N.I.**

3.—(1) <sup>F9</sup>... The Department may deduct the sum of [<sup>F10</sup>£8.40] per week from any employment and support allowance [<sup>F11</sup>, jobseeker's allowance or universal credit] which the beneficiary has been awarded and <sup>F12</sup>... pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary's liability to pay arrears of maintenance, and retain any amount deducted in discharge of any liability to pay a fee.

[<sup>F13</sup>(1A) No deduction may be made under sub-paragraph (1) if the beneficiary is liable to pay maintenance.]

<sup>F14</sup>(2) .....

(3) In sub-paragraph (1) "maintenance" means child support maintenance as defined by Article 4(6) of the Child Support Order <sup>M22</sup> whether before or after the amendment of that paragraph by section 1(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, and includes maintenance payable at a transitional rate in accordance with regulations made under section 28(2)(a) of that Act.

**Textual Amendments**

- F9** Words in Sch. 6 para. 3(1) omitted (10.12.2019) by virtue of [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(aa)**
- F10** Sum in Sch. 6 para. 3(1) substituted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(bb)**
- F11** Words in Sch. 6 para. 3(1) substituted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(dd)**
- F12** Words in Sch. 6 para. 3(1) omitted (10.12.2019) by virtue of [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(i)(cc)**
- F13** Sch. 6 para. 3(1A) inserted (10.12.2019) by [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(ii)**
- F14** Sch. 6 para. 3(2) omitted (10.12.2019) by virtue of [The Child Support \(Miscellaneous Amendments No. 4\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/222\)](#), regs. 1(1), **3(3)(b)(iii)**

**Marginal Citations**

- M22** Article 4(6) is amended by section 1(2)(a) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000.

**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. (See end of Document for details)

## Apportionment **N.I.**

4. Where maintenance is payable to more than one person with care, the amount deducted in respect of maintenance must be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 to the Child Support Order <sup>M23</sup> (maintenance assessments).

### Marginal Citations

**M23** Paragraphs 6, 7 and 8 of Schedule 1 were substituted by Schedule 1 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and amended by paragraphs 4(c), 6 and 7 of Schedule 1 and paragraph 1(25) of Schedule 4 to the [Child Maintenance Act \(Northern Ireland\) 2008 \(c. 10\)](#).

## Flat rate maintenance **N.I.**

5.—(1) This paragraph applies where the beneficiary and that person's partner are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Child Support Order and either of them has been awarded universal credit (whether as a single claimant or as joint claimants).

(2) Where this paragraph applies, an amount not exceeding an amount equal to the flat rate of maintenance and any fee may be deducted from such an award in respect of the total liability of both partners to pay maintenance and any fee, in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001 <sup>M24</sup> (flat rate) or regulation 43(3) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 <sup>M25</sup> (flat rate) and must be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance or retained in discharge of any liability to pay a fee.

### Marginal Citations

**M24** S.R. 2001 No. 18.

**M25** S.R. 2012 No. 427.

## Notice **N.I.**

6. Where the Department commences making deductions under this Schedule, the Department must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made and must give further such notice when there is a change to any of the particulars specified in the notice.



**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.