
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) ("the UC Regulations"), the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 226) and the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2017.

Regulation 2 amends the Jobseeker's Allowance Regulations (Northern Ireland) 1996 to insert cross-references to additional conditions for the higher pensioner and disability premium, where a claimant or a claimant's partner are in receipt of personal independence payment or armed forces independence payment. The cross-references had previously been unintentionally omitted.

Regulation 3(2) and (8)(a) and (b) reverse the changes made by the Universal Credit (Housing Costs Element for claimants aged 18 to 21) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017 No. 142). This removes the paragraphs in Schedule 4 to the UC Regulations which excluded certain claimants aged between 18 and 21 years of age from receiving the housing element of Universal Credit.

Regulation 3(3) amends the UC Regulations so claimants receive an additional child element for any child or qualifying young person cared for under a non-parental caring arrangement (kinship care) or who is adopted from authority care, regardless of the position of the cared for or adopted child within the household. Claimants can therefore receive a child element for any children who are adopted or cared for, plus up to two children who do not qualify for an exception, plus any third or subsequent children who qualify for other exceptions (multiple birth or non-consensual conception). Regulation 3(4) simplifies the ordering provisions for children in the household. When calculating the maximum support available, payments for adopted or cared for children should now be additional payments, so those children should be disregarded when determining the order of children in a household. This means that the ordering can be simplified to refer only to date of birth.

Regulation 3(5) and (6) make minor corrections to the UC Regulations. Regulation 3(5) amends regulation 53 of the UC Regulations to provide that where the Department makes a determination as to an amount of a person's earned income where a person has failed to report information in relation to that earned income the determination may be based on an estimate of the amounts received or expected to be received in that assessment period.

Regulation 3(6) amends regulation 54 of the UC Regulations to change the date after which the last day of an award must fall in order for it to be an "old award" for the purpose of that regulation.

Regulation 3(7) amends regulation 77(5) (company analogous to a partnership or one person business) of the UC Regulations to include an additional reference to relevant tax law, in order to maintain the existing alignment in the treatment of "off-payroll" workers (also known as IR35 or intermediary workers) in tax and Universal Credit, as employees rather than self-employed.

Regulation 3(8)(c) amends paragraph 28 of Schedule 4 (renters excepted from shared accommodation) to the UC Regulations to provide that foster carers are excepted from the one-bedroom shared accommodation rate in the private rented sector, in order to align the treatment of foster carers with the social rented sector.

Regulation 4(2) makes a minor correction to regulation 3A of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 to provide that, where a claimant has an award of universal credit and in the same assessment period is also entitled to housing benefit for temporary

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accommodation but the award of universal credit does not include an amount for housing costs, regulation 23(2) of the UC Regulations is to apply in relation to that assessment period as if the award did include an amount for housing costs.

The UC Regulations provide for arrears, or a payment to compensate for arrears, to be disregarded for a period of 12 months from the date the payment is received. There is currently no provision for the payment to be disregarded for a longer period if it is paid out for official error. Regulation 4(3) inserts regulation 8A into the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016. This amendment provides for the longer disregard to apply until the termination of the Universal Credit award where a payment of arrears has been received during an earlier award of an income-related benefit and the claimant becomes entitled to universal credit within one month of their earlier award terminating, or where it has been received during the universal credit award. This additional disregard only applies to a payment that relates to a period of entitlement to benefit which begins before migration of existing benefits to universal credit is completed.

Regulation 5 amends the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2017 to apply the changes made to regulations 25A and 25B of the UC Regulations to any claims for Income Support and Jobseeker's Allowance that include an amount for a child or qualifying young person.

Regulation 6 revokes the Universal Credit (Housing Costs Element for Claimants aged 18 to 21) (Amendment) Regulations (Northern Ireland) 2017.

An impact assessment has not been produced for this instrument as it has no impact on business or on civil society organisations. This instrument has no impact on the public sector.