
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit Regulations (Northern Ireland) 2016 ([S.R. 2016/216](#)) (“the UC Regulations”) and the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2016 (S. R. 2016/220) (“the Claims and Payments Regulations”).

Regulation 1 provides for citation and commencement.

Regulation 2 amends regulations 37 and 82 of the UC Regulations

Regulation 37 is amended so that care provided for a child in Northern Ireland by a home based childcare provider approved by a Health and Social Care Trust in Northern Ireland is relevant childcare for the purposes of regulation 37. It is further amended to ensure that the definition of relevant childcare includes care provided for a child outside Northern Ireland by a Secretary of State accredited childcare provider as well as a child care provider which is approved or accredited under the legislation of the relevant state and where evidence of such approval or accreditation is provided to the Department by the claimant.

Regulation 82 provides for an exception to the benefit cap that otherwise would apply in accordance with regulations made under Article 101 of the Welfare Reform (Northern Ireland) Order 2015. The amendment makes it clear that claimants are exempt from the application of the benefit cap if their previous employment was paid at the national living wage in force during that period of employment. This ensures claimants benefit from having a history of sustained employment even if the national living wage has subsequently increased.

Regulation 3 amends regulation 37 of the Claims and Payments Regulations to enable the Department to request, and landlords to provide, evidence regarding a claimant’s housing costs where a change of circumstances has occurred.