
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 216](#)) (“the UC Regulations”) and the Employment and Support Allowance Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 219](#)) (“the ESA Regulations”) by setting out an additional exception to the requirement to accept a claimant commitment which is a condition of entitlement.

Regulation 16 of the UC Regulations and regulation 45 of the ESA Regulations each contain two exceptions to the requirement to accept a claimant commitment, that is, where the Department considers that a person lacks capacity to accept a claimant commitment and where there are exceptional circumstances in which it would be unreasonable to expect a person to accept a claimant commitment. These Regulations provide an additional exception which exempts terminally ill claimants from the requirement to accept a claimant commitment. “Terminally ill” is defined in regulation 2(1) of the UC Regulations and regulation 2 of the ESA Regulations and means suffering from a progressive disease where death in consequence of that disease can reasonably be expected within 6 months.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 ([c. 8](#)), are not subject to requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.