

2023 No. 3

SOCIAL SECURITY

**The Universal Credit (Administrative Earnings Threshold)
(Amendment) Regulations (Northern Ireland) 2023**

Made - - - - *9th January 2023*

Coming into operation *30th January 2023*

The Department for Communities^(a) makes the following Regulations in exercise of the powers conferred by Articles 29(1)(a), 48(1) and 48(2) of and paragraphs 1(1), 4(1)(b), 4(2)(d) and 4(3)(a) of schedule 6 to the Welfare Reform (Northern Ireland) Order 2015^(b).

The powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020^(c).

Citation and commencement

1. These Regulations may be cited as the Universal Credit (Administrative Earnings Threshold) (Amendment) Regulations (Northern Ireland) 2023 and come into operation on 30th January 2023.

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

2. In paragraph (14) of regulation 97 of the Universal Credit Regulations (Northern Ireland) 2016^(d) (circumstances in which requirements must not be imposed)—

- (a) in sub-paragraph (a), for “12 hours” substitute “15 hours”;
- (b) in sub-paragraph (b), for “19 hours” substitute “24 hours”.

Consequential amendment – transitional protection

3. For paragraph (3) of regulation 57 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (circumstances in which transitional protection ceases)^(e) substitute—

“(3) For the purposes of paragraph (2)—

- (a) references to the amount specified in regulation 97(14)(a) and 97(14)(b) respectively of the Universal Credit Regulations (Northern Ireland) 2016 are to the amount that was applicable on the first day of the award; and

(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5(N.I.))
(b) S.I. 2015/2006 (N.I. 1)
(c) S.I. 2020/927
(d) S.R. 2016/216
(e) S.R. 2016/226

- (b) a claimant is to be treated as having earned income that is equal to or more than the single administrative threshold and the couple administrative threshold respectively in any assessment period in respect of which regulation 63 (minimum income floor) of the Universal Credit Regulations (Northern Ireland) 2016 applies to that claimant or would apply but for regulation 63(6) of those Regulations (minimum income floor not to apply in a start-up period).”

Sealed with the Official Seal of the Department for Communities on 9th January 2023

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 97 of the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016/216), which sets out the circumstances in which work search and availability requirements may not be imposed on a universal credit claimant.

Regulation 2 amends paragraph (14) of regulation 97 so that work search and work availability requirements may not be imposed where a claimant has monthly earnings from employment that are equal to, or more than, 15 hours per week at the national minimum wage rate set out in regulation 4 of the National Minimum Wage Regulations 2015 (“the national living wage”) or, where the claimant is a member of a couple, their combined earnings from employment are equal to, or more than, 24 hours per week at the national living wage rate, in both cases convert to a monthly amount by multiplying by 52 and dividing by 12.

Regulation 3 makes a consequential amendment to regulation 57 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/226). Regulation 57 provides for transitional protection to cease where a claimant has earnings above or equal to the threshold in regulation 97(14) of the Universal Credit Regulations (Northern Ireland) 2016 when they first claim universal credit, and these subsequently fall below that threshold for three consecutive assessment periods. The amendment provides for the amount of the threshold to remain at the amount that was applicable at the beginning of the claimant’s universal credit award, ensuring that an existing claimant will not lose transitional protection as a consequence of the amendments to regulation 97(14) by regulation 2 of these Regulations.

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) and are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

A full impact assessment has not been produced for these Regulations as no, or no significant impact on the private, public or voluntary sectors is foreseen.

© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of His Majesty’s Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.90

<http://www.legislation.gov.uk/id/misr/2023/3>

ISBN 978-0-33-802057-4



9 780338 020574