
EXPLANATORY NOTE

(This is not part of the Regulations)

These Regulations make minor amendments to various social security and state pension regulations.

Regulation 2 amends regulation 29 of the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216), which makes provision for the period for which the limited capability for work and work-related activity element is not to be included in an award of universal credit. Regulation 29(1) sets out the general rule for when the element is not included and regulation 2 inserts a new regulation 29(6) which provides an exception to the general rule where a person has limited capability for work, and it is subsequently determined that they have limited capability for work and work-related activity.

Regulation 3 amends regulation 25(2) of the Universal Credit, Personal Independence Payment, Jobseekers Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 220) (“the Claims and Payments Regulations”) to provide for the maximum time period in which a claim for universal credit can be made to be more closely aligned with the operation of universal credit. If a claimant does not make a claim on the first day of the period in respect of which they wish to claim universal credit, they can nonetheless be entitled to universal credit from that day, provided that they make a claim on or before what would have been the last day of the first assessment period had they made the claim on that first day.

Regulation 4 amends various provisions of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No.226) (“the 2016 Regulations”). Regulation 4(2) amends regulation 7(1) of the 2016 Regulations, which makes provision for the ongoing entitlement to benefits and the application of the benefit cap, so that an erroneous reference to the Universal Credit Regulations is corrected to refer to the Claims and Payments Regulations.

Paragraph (3) of regulation 4 amends regulation 22 of the 2016 Regulations, which makes provision for a person in receipt of National Insurance credits on the date they make a claim for universal credit. In such a case, if it had been determined that the person has limited capability for work and work-related activity had they been entitled to old-style employment and support allowance, the person would be treated as having limited capability for work and work-related activity in universal credit. An erroneous reference to regulation 28(1)(b) of the Universal Credit Regulations (Northern Ireland) 2016 is corrected to refer to regulation 28(1) of those Regulations.

Paragraph (4) of regulation 4 amends regulation 47 of the 2016 Regulations, to clarify the end date of the rates element of housing benefit.

Paragraph (5) of regulation 4 amends regulation 54 of the 2016 Regulations, which makes provision for the amount of transitional element, to clarify that housing benefit in respect of specified or temporary accommodation is not included in the consideration of the award of transitional element.

Paragraph (6) of regulation 4 amends the modifications to the Tax Credits Act 2002 and the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 in Schedule 1 to the 2016 Regulations. These modifications clarify the position for the finalisation of entitlement where the award is terminated within the tax year following a claim for universal credit. The amendments remove some unnecessary references to a “part” of the current tax year.

Paragraph (7) of regulation 4 amends Schedule 2 to the 2016 Regulations by providing that a couple will receive a higher transitional severe disability premium element if they continue to meet the conditions of eligibility for a higher severe disability premium rate up to and including the first day of the universal credit award and no person becomes a carer for either of them in the first assessment

Changes to legislation: *There are currently no known outstanding effects for the The Social Security, Universal Credit and State Pension (Miscellaneous Amendments) Regulations (Northern Ireland) 2023. (See end of Document for details)*

period. It also contains a related definition and provides for provisions in other legislation to be disregarded as a consequence.

Regulation 5 amends the State Pension Regulations (Northern Ireland) 2015 ([S.R. 2015 No. 315](#)) by adding universal credit to the list of benefits which, if received during a period of deferral of State Pension, are not included in determining the period of deferral for incremental purposes.

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

Changes to legislation:

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