

*This Statutory Rule has been made in consequence of a defect in S.R. 2016 No.226 and S.R. 2017 No.146 and is being issued free of charge to all known recipients of those Statutory Rules*

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STATUTORY RULES OF NORTHERN IRELAND

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**2023 No. 93**

**SOCIAL SECURITY**

**The Social Security, Universal Credit and State Pension  
(Miscellaneous Amendments) Regulations (Northern Ireland)  
2023**

*Made* - - - -

*6th June 2023*

*Coming into operation* -

*29th June 2023*

The Department for Communities **(a)** makes the following Regulations in exercise of the powers conferred by sections 5(1)(a), (b), (c), (d), (j) and (l), 5(2)(za) and 165(1), (4) to (6) of the Social Security Administration Act (Northern Ireland) 1992**(b)** and now vested in it**(c)** and Articles 17(4) and 48(1) and (2) of, and paragraphs 1(1), 4(1)(a), (2)(c) to (e), and (3)(a) and 7 of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015**(d)**, and section 18(1) of the Pensions Act (Northern Ireland) 2015**(e)**.

In accordance with section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

**Citation and commencement**

1. These Regulations may be cited as the Social Security, Universal Credit and State Pension (Miscellaneous Amendments) Regulations (Northern Ireland) 2023 and come into operation on 29th June 2023.

**Amendment of the Universal Credit Regulations**

2. After regulation 29(5) of the Universal Credit Regulations (Northern Ireland) 2016**(f)** (period for which the LCWRA element is not to be included), insert—

“(6) Paragraph (1) does not apply where a claimant has limited capability for work and it is subsequently determined that they have limited capability for work and work-related activity.”.

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- (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)** 1992 c.8  
**(c)** See Article 8(b) of S.R. 1999 No.481  
**(d)** S.I. 2015/2006 (N.I. 1)  
**(e)** 2015 c.5  
**(f)** S.R.2016 No 216

### **Amendment of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations**

3. In regulation 25(2) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(a) (time within which a claim for universal credit is to be made), for the words “, subject to a maximum extension of one month, to the date on” substitute “up to and including the day that would be the last day of the first assessment period for an award beginning on the first day in respect of”.

### **Amendment of the Universal Credit (Transitional Provisions) Regulations**

4.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(b) are amended as follows.

(2) In regulation 7(1) (treatment of ongoing entitlement to certain benefits: benefit cap), for “regulation 27 of the Universal Credit Regulations” substitute “regulation 25 of the Claims and Payments Regulations”.

(3) In regulation 22(4)(b) (other claimants with limited capability for work: credit only cases), for “regulation 28(1)(b)” substitute “regulation 28(1)”.

(4) In regulation 47(1)(b) (termination of existing benefits if no claim before the deadline), after “in the case of” insert “housing benefit in the form of a rate rebate awarded in accordance with regulation 12 of the Housing Benefit Regulations or regulation 12 of the Housing Benefit (State Pension Credit) Regulations or”.

(5) In regulation 54(10) (transitional element – total legacy amount), for “in respect of housing benefit” substitute “for housing benefit in respect of specified or temporary accommodation”.

(6) In Schedule 1 (modification of tax credits legislation – finalisation of tax credits), omit—

- (a) paragraph 2(b);
- (b) paragraph 25(a);
- (c) paragraph 26(b);
- (d) paragraph 27(b).

(7) In Schedule 2 (claimants previously entitled to a severe disability premium)—

(a) in paragraph 5(b)(i) (claimants previously entitled to a severe disability premium), for “if the higher severe disability premium rate was payable” substitute “if the higher severe disability premium rate is payable on the first day of the award and no person becomes a carer for either of them in the first assessment period”;

(b) renumber paragraph 8 as paragraph 8(1) and at the end insert, insert—

“(2) In paragraph 5(b)(i) the reference to a person being a carer for another person is to the person being entitled to, and in receipt of, a carer's allowance or having an award of universal credit which includes the carer element in respect of caring for that other person.”;

(c) after paragraph 8, insert—

“9. For the purposes of paragraph 3(b) and 5(b)(i), paragraph 6(6) of Schedule 4 to the ESA Regulations 2008 or, as the case may be, the corresponding provision in relation to income support or income-based jobseeker's allowance, is to be disregarded.”.

### **Amendment of the State Pension Regulations**

5.—(1) In the State Pension Regulations (Northern Ireland) 2015(c) after regulation 11(2)(a)(x) insert—

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- (a) S.R. 2016 No. 220
  - (b) S.R. 2016 No. 226
  - (c) S.R. 2015 No. 315

“(xi) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit).”

Sealed with the Official Seal of the Department for Communities on 6th June 2023  
(L.S.)

*David Tarr*  
A senior officer of the Department for Communities

### **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 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.

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