

**2023 No. 97**

**SOCIAL SECURITY**

**The Social Security (Income and Capital Disregards)  
(Amendment) Regulations (Northern Ireland) 2023**

*Made* - - - -

*16th June 2023*

*Coming into operation*

*9th July 2023*

The Department for Communities(a), makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 129A(2), 131(1), 132(3) and (4), 132A(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), Section 165(4) of the Social Security Administration (Northern Ireland) Act 1992(c), Articles 6(5), 14(1) and (4) and 36(2)(a) of the Jobseekers (Northern Ireland) Order 1995(d), paragraph 8 of Schedule 1 to the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997(e), and now vested in it(f), sections 2(3)(b), 15(3) and (6) and 19(1), (2)(a) and (3) of the State Pension Credit Act (Northern Ireland) 2002(g), sections 4(2) and 17(1) and (3) of the Welfare Reform Act (Northern Ireland) 2007(h) and Article 48(1) and (2)(a) of, and paragraph 4(1) and (3) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015(i).

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

Regulations 5 and 6 are made with the consent of the Department of Finance(k).

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Social Security (Income and Capital Disregards) (Amendment) Regulations (Northern Ireland) 2023 and come into operation on 9th July 2023.

**(2)** The Interpretation Act (Northern Ireland) 1954(a) shall apply to these Regulations as it applies to an Act of the Assembly.

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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. 7; section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))
- (c) 1992 c. 8 (N.I.)
- (d) S.I. 1995/2705 (N.I. 15)
- (e) S.I. 1997/1183 (N.I. 12)
- (f) See Article 8(b) of S.R. 1999 No. 481
- (g) 2002 c. 14 (N.I.)
- (h) 2007 c. 2 (N.I.)
- (i) S.I. 2015/2006 (N.I. 1)
- (j) S.I. 2020/927
- (k) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))

## Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(b) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “Grenfell Tower payment”(c) substitute—

““Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;”;

(b) after the definition of “HSS trust” insert—

““the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;”;

(c) after the definition of “polygamous marriage” insert—

““the Post Office” means Post Office Limited (registered number 02154540);”;

““Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

(a) in connection with the failings of the Horizon system, or

(b) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(d);

(d) after the definition of “universal credit” insert—

““vaccine damage payment” means a payment made under the Vaccine Damage Payments Act 1979(e);”;

(e) in the definition of “qualifying person”(f), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

(3) In regulation 42(4ZB)(g) (notional income), after sub-paragraph (c) add—

“(d) a Post Office compensation payment.”.

(4) In regulation 48(10) (income treated as capital)—

(a) at the end of sub-paragraph (ad)(h) omit “or”;

(b) after sub-paragraph (ad) insert—

“(ae) which is a Post Office compensation payment;”.

(5) In regulation 51(3B)(i) (notional capital), after sub-paragraph (c) add—

“(d) a Post Office compensation payment;

(e) a vaccine damage payment.”.

(6) In paragraph 18(8)(b)(j) (non-dependant deductions) of Schedule 3 (housing costs), for “or a Windrush payment” substitute “, Windrush payment or Post Office compensation payment”.

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(a) 1954 c. 33 (N.I.)

(b) S.R. 1987 No. 459; amending Rules are S.R. 1992 No. 201, S.R. 2000 No. 241, S.R. 2004 No. 213, S.R. 2005 Nos. 536 and 550, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108 and S.R. 2021 No. 345

(c) The definition of “Grenfell Tower payment” was inserted by regulation 2(2)(a) of S.R. 2020 No. 108

(d) [2019] EWHC 606 (QB)

(e) 1979 c. 17

(f) The definition of “qualifying person” was inserted by regulation 5(2)(b) of S.R. 1992 No. 201 and amended by regulation 2(a) of S.R. 2004 No. 213, regulation 2(2)(b) of S.R. 2005 No. 550, regulation 2(3)(a) of S.R. 2010 No. 69, regulation 7(2)(b) of S.R. 2011 No. 357, regulation 2(2)(b) of S.R. 2017 No. 205, regulation 2(2)(c) of S.R. 2017 No. 219, regulation 2(b) of S.R. 2020 No. 108 and regulation 2(2)(b) of S.R. 2021 No. 345

(g) Regulation 42(4ZB) was inserted by regulation 2(3)(c) of S.R. 2020 No. 108 and amended by regulation 2(3) of S.R. 2021 No. 345

(h) Sub-paragraph (ad) was inserted by regulation 2(4) of S.R. 2021 No. 345

(i) Regulation 51(3B) was inserted by regulation 2(5)(c) of S.R. 2020 No. 108 and amended by regulation 2(5) of S.R. 2021 No. 345

(j) Paragraph 18(8)(b) was amended by regulation 2(5)(e) of S.R. 2008 No. 428, regulation 2(3)(e) and (7)(d) of S.R. 2010 No. 69, regulation 7(5)(c) of S.R. 2011 No. 357, regulation 2(3)(d) of S.R. 2017 No. 205, regulation 2(3)(d) of S.R. 2017 No. 219, regulation 2(10) of S.R. 2020 No. 108 and regulation 2(6) of S.R. 2021 No. 345

(7) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), in paragraph 39—

- (a) in sub-paragraph (1A)(a), after head (c) add—  
“(d) a Post Office compensation payment.”;
- (b) in each of sub-paragraphs (2) to (6)(b), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

(8) In Schedule 10 (capital to be disregarded), in paragraph 22—

- (a) in sub-paragraph (1A)(c), after “Windrush payment” insert “, Post Office compensation payment or vaccine damage payment”;
- (b) in each of sub-paragraphs (2) to (6)(d), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

### **Amendment of the Jobseeker’s Allowance Regulations**

3.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(e) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (citation, commencement, interpretation and application)—

- (a) for the definition of “Grenfell Tower payment”(f) substitute—  
““Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;”;
- (b) at the appropriate places insert—  
““the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;”;  
““the Post Office” means Post Office Limited (registered number 02154540);”;  
““Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—
  - (a) in connection with the failings of the Horizon system, or
  - (b) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(g);““vaccine damage payment” means a payment made under the Vaccine Damage Payments Act 1979(h);”;
- (c) in the definition of “qualifying person”(i), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

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- (a) Sub-paragraph (1A) was inserted by regulation 2(11)(b)(ii) of S.R. 2020 No. 108 and substituted by regulation 2(7)(b) of S.R. 2021 No. 345
  - (b) Sub-paragraphs (2) to (6) were amended by regulation 2(7)(c) of S.R. 2021 No. 345. Sub-paragraphs (2) to (5) were also amended by regulation 5(8)(a)(ii) to (v) of S.R. 1992 No. 201, Article 2(3) and paragraph 12(9)(b) of Schedule 3 to S.R. 2005 No. 536, regulation 2(7)(f) of S.R. 2010 No. 69 and regulation 2(12)(a)(iii) of S.R. 2020 No. 108. Sub-paragraphs (4) and (5) were also amended by regulation 3(5) of S.R. 2000 No. 241 and sub-paragraph (6) was amended by regulation 2(12)(a)(iv) of S.R. 2020 No. 108
  - (c) Sub-paragraph (1A) was inserted by regulation 2(12)(a)(ii) of S.R. 2020 No. 108 and substituted by regulation 2(8)(a)(i) of S.R. 2021 No. 345
  - (d) Sub-paragraphs (2) to (6) were amended by regulation 2(8)(a)(ii) of S.R. 2021 No. 345. Sub-paragraphs (2) to (5) were also amended by regulation 5(8)(a)(ii) to (v) of S.R. 1992 No. 201, Article 2(3) and paragraph 12(9)(b) of Schedule 3 to S.R. 2005 No. 536, regulation 2(7)(f) of S.R. 2010 No. 69 and regulation 2(12)(a)(iii) of S.R. 2020 No. 108. Sub-paragraphs (4) and (5) were also amended by regulation 3(5) of S.R. 2000 No. 241 and sub-paragraph (6) was amended by regulation 2(12)(a)(iv) of S.R. 2020 No. 108
  - (e) S.R. 1996 No. 198; relevant amending Rules are S.R. 2004 No. 213, S.R. 2005 Nos. 536 and 550, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108 and S.R. 2021 No. 345
  - (f) The definition of “Grenfell Tower payment” was inserted by regulation 3(2)(a) of S.R. 2020 No. 108
  - (g) [2019] EWHC 606 (QB)
  - (h) 1979 c. 17
  - (i) The definition of “qualifying person” was amended by regulation 2(a) of S.R. 2004 No. 213, regulation 4(2)(b) of S.R. 2005 No. 550, regulation 4(3)(a) of S.R. 2010 No. 69, regulation 10(2)(b) of S.R. 2011 No. 357, regulation 3(2)(b) of S.R. 2017

- (3) In regulation 105(10A) (notional income), after sub-paragraph (ad)(a) insert—  
“(ae) a Post Office compensation payment;”.
- (4) In regulation 110(10) (income treated as capital)—  
(a) at the end of sub-paragraph (ad)(b) omit “or”;  
(b) after sub-paragraph (ad) insert—  
“(ae) which is a Post Office compensation payment;”.
- (5) In regulation 113(3B)(c) (notional capital), after sub-paragraph (c) add—  
“(d) a Post Office compensation payment;  
(e) a vaccine damage payment.”.
- (6) In paragraph 17(8)(b)(d) (non-dependant deductions) of Schedule 2 (housing costs), for “or a Windrush payment” substitute “, Windrush payment or Post Office compensation payment”.
- (7) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings), in paragraph 41—  
(a) in sub-paragraph (1A)(e), after head (c) add—  
“(d) Post Office compensation payment.”;  
(b) in each of sub-paragraphs (2) to (6)(f), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (8) In Schedule 7 (capital to be disregarded), in paragraph 27—  
(a) in sub-paragraph (1A)(g) after “Windrush payment” insert “, Post Office compensation payment or vaccine damage payment”;  
(b) in each of sub-paragraphs (2) to (6)(h), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

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

**4.—(1)** The State Pension Credit Regulations (Northern Ireland) 2003(i) are amended in accordance with paragraphs (2) to (4).

- (2) In regulation 1(2) (citation, commencement and interpretation)—  
(a) for the definition of “Grenfell Tower payment”(j) substitute—  
““Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;”;

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No. 205, regulation 3(2)(c) of S.R. 2017 No. 219, regulation 3(2)(b) of S.R. 2020 No. 108 and regulation 3(2)(b) of S.R. 2021 No. 345

- (a) Sub-paragraph (ad) was inserted by regulation 3(3) of S.R. 2021 No. 345  
(b) Sub-paragraph (ad) was inserted by regulation 3(4) of S.R. 2021 No. 345  
(c) Regulation 113(3B) was inserted by regulation 3(5)(c) of S.R. 2020 No. 108 and substituted by regulation 3(5) of S.R. 2021 No. 345  
(d) Paragraph 17(8)(b) was amended by regulation 3(10)(a) of S.R. 2020 No. 108 and amended by regulation 3(6) of S.R. 2021 No. 345  
(e) Sub-paragraph (1A) was inserted by regulation 3(11)(b)(ii) of S.R. 2020 No. 108 and amended by regulation 3(7)(b) of S.R. 2021 No. 345  
(f) Sub-paragraphs (2) to (6) were amended by regulation 3(7)(c) of S.R. 2021 No. 345. Sub-paragraphs (2) to (5) were amended by Article 2(3) and paragraph 23(12)(b) of Schedule 3 to S.R. 2005 No. 536, regulation 4(8)(e) of S.R. 2010 No. 69 and regulation 3(11)(b)(iii) of S.R. 2020 No. 108. Sub-paragraph (6) was amended by regulation 3(11)(b)(iv) of S.R. 2020 No. 108  
(g) Sub-paragraph (1A) was inserted by regulation 3(12)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 3(8)(a)(i) of S.R. 2021 No. 345  
(h) Sub-paragraphs (2) to (6) were amended by regulation 3(8)(a)(ii) of S.R. 2021 No. 345. Sub-paragraphs (2) to (5) were amended by Article 2(3) and paragraph 23(13)(c) of Schedule 3 to S.R. 2005 No. 536, regulation 4(8)(f) of S.R. 2010 No. 69 and regulation 3(12)(a)(iii) of S.R. 2020 No. 108. Sub-paragraph (6) was amended by regulation 3(12)(a)(iv) of S.R. 2020 No. 108  
(i) S.R. 2003 No. 28; relevant amending Rules are S.R. 2004 No. 213, S.R. 2005 Nos. 536 and 550, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108 and S.R. 2021 No. 345  
(j) The definition of “Grenfell Tower payment” was inserted by regulation 4(2)(a) of S.R. 2020 No. 108

(b) at the appropriate places insert—

“the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;”;

“the Post Office” means Post Office Limited (registered number 02154540);”;

“Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

(a) in connection with the failings of the Horizon system, or

(b) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(a);

“vaccine damage payment” means a payment made under the Vaccine Damage Payments Act 1979(b);”;

(c) in the definition of “qualifying person”(c), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

(3) In paragraph 14(8) (persons residing with the claimant) of Schedule 2 (housing costs), after head (bc)(d) insert—

“(bd) any Post Office compensation payment;”.

(4) In Schedule 5 (income from capital), in paragraph 15 (capital disregarded for the purpose of calculating income)—

(a) in sub-paragraph (1A)(e), after “Windrush payment” insert “, Post Office compensation payment or vaccine damage payment”;

(b) in each of sub-paragraphs (2) to (6)(f), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

### **Amendment of the Housing Benefit Regulations**

**5.—**(1) The Housing Benefit Regulations (Northern Ireland) 2006(g) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “Grenfell Tower payment”(h) substitute—

“Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;”;

(b) at the appropriate places insert—

“the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;”;

“the Post Office” means Post Office Limited (registered number 02154540);”;

“Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

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(a) [2019] EWHC 606 (QB)

(b) 1979 c. 17

(c) The definition of “qualifying person” was amended by regulation 2 of S.R. 2004 No. 213, regulation 6(2)(b) of S.R. 2005 No. 550, regulation 6(3)(a) of S.R. 2010 No. 69, regulation 14(2)(b) of S.R. 2011 No. 357, regulation 4(2)(b) of S.R. 2017 No. 205, regulation 5(2)(c) of S.R. 2017 No. 219, regulation 4(2)(b) of S.R. 2020 No. 108 and regulation 4(2)(b) of S.R. 2021 No. 345

(d) Head (bc) was inserted by regulation 4(3) of S.R. 2021 No. 345

(e) Sub-paragraph (1A) was inserted by regulation 4(4)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 4(4)(a) of S.R. 2021 No. 345

(f) Sub-paragraphs (2) to (6) were amended by regulation 4(4)(b) of S.R. 2021 No. 345. Sub-paragraphs (2) to (5) were also amended by Article 2(3) and paragraph 30(5)(e) of Schedule 3 to S.R. 2005 No. 536, regulation 6(7) of S.R. 2010 No. 69 and regulation 4(4)(a)(iii) of S.R. 2020 No. 108. Sub-paragraph (6) was amended by regulation 4(4)(a)(iv) of S.R. 2020 No. 108

(g) S.R. 2006 No. 405; relevant amending regulations are S.R. 2020 No. 108 and S.R. 2021 No. 345

(h) The definition of “Grenfell Tower payment” was inserted by regulation 5(2)(a) of S.R. 2020 No. 108

- (a) in connection with the failings of the Horizon system, or
  - (b) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(a);
- “vaccine damage payment” means a payment under the Vaccine Damage Payments Act 1979;”;
- (c) in the definition of “qualifying person”(b), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (3) In regulation 39(7A)(c) (notional income), after sub-paragraph (c) add—
- “(d) a Post Office compensation payment.”.
- (4) In regulation 43(6)(d) (income treated as capital), after “a Windrush payment” insert “, a Post Office compensation payment”.
- (5) In regulation 46(4A)(e) (notional capital), after sub-paragraph (c) add—
- “(d) a Post Office compensation payment;
  - (e) a vaccine damage payment.”.
- (6) In regulation 72(9)(f) (non-dependant deductions), after sub-paragraph (bc) insert—
- “(bd) any Post Office compensation payment;”.
- (7) In paragraph 37 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in sub-paragraph (1A)(g), after paragraph (c) add—
- “(d) Post Office compensation payment.”;
- (b) in each of sub-paragraphs (2) to (6)(h), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (8) In paragraph 25 of Schedule 7 (capital to be disregarded)—
- (a) in sub-paragraph (1A)(i), after “Windrush payment” insert “, a Post Office compensation payment or vaccine damage payment”;
  - (b) in each of sub-paragraphs (2) to (6)(j), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations**

**6.—**(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(k) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)—

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- (a) [2019] EWHC 606 (QB)
  - (b) Definition of “qualifying person” was amended by regulation 5(2)(b) of S.R. 2020 No. 108 and regulation 5(2)(b) of S.R. 2021 No. 345
  - (c) Paragraph (7A) was inserted by regulation (5)(3)(c) of S.R. 2020 No. 108 and amended by regulation 5(3) of S.R. 2021 No. 345
  - (d) Paragraph (6) was amended by regulation 5(4) of S.R. 2020 No. 108 and regulation 5(4) of S.R. 2021 No. 345
  - (e) Paragraph (4A) was inserted by regulation 5(5)(c) of S.R. 2020 No. 108 and amended by regulation 5(5) of S.R. 2021 No. 345
  - (f) Sub-paragraph (bc) was inserted by regulation 5(6) of S.R. 2021 No. 345
  - (g) Paragraph (1A) was inserted by regulation 5(11)(b) of S.R. 2020 No. 108 and substituted by regulation 5(7)(a) of S.R. 2021 No. 345
  - (h) Sub-paragraphs (2) to (6) were amended by regulation 5(11)(c) and (d) of S.R. 2020 No. 108 and regulation 5(7)(b) of S.R. 2021 No. 345
  - (i) Sub-paragraph (1A) was inserted by regulation 5(12)(b)(ii) of S.R. 2020 No. 108 and amended by regulation 5(8)(a)(i) of S.R. 2021 No. 345
  - (j) Sub-paragraphs (2) to (6) were amended by regulation 5(12)(b)(iii) and (iv) of S.R. 2020 No. 108 and amended by regulation 5(8)(a)(ii) of S.R. 2021 No. 345
  - (k) S.R. 2006 No. 406; relevant amending regulations are S.R. 2020 No. 108 and S.R. 2021 No. 345

- (a) for the definition of “Grenfell Tower payment”(a) substitute—
  - ““Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;”;
- (b) at the appropriate places insert—
  - ““the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;”;
  - ““the Post Office” means Post Office Limited (registered number 02154540);”;
  - ““Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—
    - (a) in connection with the failings of the Horizon system, or
    - (b) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(b);
  - ““vaccine damage payment” means a payment under the Vaccine Damage Payments Act 1979;”;
- (c) in the definition of “qualifying person”(c), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (3) In regulation 53(10) (non-dependant deductions), after sub-paragraph (bc)(d) insert—
  - “(bd) any Post Office compensation payment;”.
- (4) In paragraph 16 of Schedule 7 (capital to be disregarded)—
  - (a) in sub-paragraph (1A)(e), after “Windrush payment” insert “, Post Office compensation payment or vaccine damage payment”;
  - (b) in each of sub-paragraphs (2) to (6)(f), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

### **Amendment of the Employment and Support Allowance Regulations**

7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(g) are amended in accordance with paragraphs (2) to (8).

- (2) In regulation 2(1) (interpretation)—
  - (a) for the definition of “Grenfell Tower payment”(h) substitute—
    - ““Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;”;
  - (b) at the appropriate places insert—
    - ““the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;”;
    - ““the Post Office” means Post Office Limited (registered number 02154540);”;
    - ““Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—
      - (a) in connection with the failings of the Horizon system, or

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(a) The definition of “Grenfell Tower payment” was inserted by regulation 6(2)(a) of S.R. 2020 No. 108  
 (b) [2019] EWHC 606 (QB)  
 (c) Definition of “qualifying person” was amended by regulation 6(2)(b) of S.R. 2020 No. 108 and regulation 6(2)(b) of S.R. 2021 No. 345  
 (d) Sub-paragraph (bc) was inserted by regulation 6(3) of S.R. 2021 No. 345  
 (e) Sub-paragraph (1A) was inserted by regulation 6(4)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 6(4)(a) of S.R. 2021 No. 345  
 (f) Sub-paragraphs (2) to (6) were amended by regulation 6(4)(a)(iii) and (iv) of S.R. 2020 No. 108 and regulation 6(4)(b) of S.R. 2021 No. 345  
 (g) S.R. 2008 No. 280; relevant amending regulation is S.R. 2020 No. 108 and S.R. 2021 No. 345  
 (h) The definition of “Grenfell Tower payment” was inserted by regulation 7(2)(a) of S.R. 2020 No. 108

- (b) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(a);
- “vaccine damage payment” means a payment made under the Vaccine Damage Payments Act 1979;”;
- (c) in the definition of “qualifying person”(b), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (3) In regulation 107(5A)(c) (notional income – income due to be paid or income paid to or in respect of a third party), after sub-paragraph (c) insert—
- “(d) a Post Office compensation payment.”.
- (4) In regulation 112(8)(b)(d) (income treated as capital), after paragraph (iii) add—
- “(iv) Post Office compensation payment.”.
- (5) In regulation 115(5A)(e) (notional capital), after sub-paragraph (c) add—
- “(d) a Post Office compensation payment;
- (e) a vaccine damage payment.”.
- (6) In paragraph 19(8)(b)(f) (non-dependant deductions) of Schedule 6 (housing costs), for “or Windrush payment” substitute “, Windrush payment or Post Office compensation payment”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 40—
- (i) in sub-paragraph (1A)(g), after paragraph (c) add—
- “(d) Post Office compensation payment.”;
- (b) in each of sub-paragraphs (2) to (5)(h), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.
- (8) In paragraph 27(i) of Schedule 9 (capital to be disregarded)—
- (a) in sub-paragraph (1A)(j), after “Windrush payment” insert “, Post Office compensation payment or vaccine damage payment”;
- (b) in each of sub-paragraphs (2) to (5)(k), for “or a Windrush payment” substitute “, a Windrush payment, a Post Office compensation payment or a vaccine damage payment”.

### **Amendment of the Universal Credit Regulations**

**8.—(1)** The Universal Credit Regulations (Northern Ireland) 2016(l) are amended in accordance with paragraph (2).

- (2) In regulation 76 (special schemes for compensation etc.)—
- (a) omit paragraph (1)(a)(vi);
- (b) in paragraph (1A)(m)—

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(a) [2019] EWHC 606 (QB)

(b) Definition of “qualifying person” was amended by regulation 7(2)(b) of S.R. 2020 No. 108 and regulation 7(2)(b) of S.R. 2021 No. 345

(c) Paragraph (5A) was inserted by regulation 7(3)(d) of S.R. 2020 No. 108 and substituted by regulation 7(3) of S.R. 2021 No. 345

(d) Regulation 112(8)(b) was substituted by regulation 7(4) of S.R. 2021 No. 345

(e) Paragraph (5A) was inserted by regulation 7(5)(d) of S.R. 2020 No. 108 and amended by regulation 7(5) of S.R. 2021 No. 345

(f) Paragraph 19(8)(b) was amended by regulation 7(10)(a) of S.R. 2020 No. 108 and regulation 7(6) of S.R. 2021 No. 345

(g) Sub-paragraph (1A) was substituted by regulation 7(7)(b)(i) of S.R. 2021 No. 345

(h) Sub-paragraphs (2) to (5) were amended by 7(7)(b)(ii) of S.R. 2021 No. 345

(i) Paragraph 27 was amended by regulation 7(12)(a)(ii) to (iv) of S.R. 2020 No. 108

(j) Sub-paragraph (1A) was inserted by regulation 7(12)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 7(8)(a)(i) of S.R. 2021 No. 345

(k) Sub-paragraphs (2) to (5) were amended by regulation 7(8)(a)(ii) of S.R. 2021 No. 345

(l) S.R. 2016 No. 216. Relevant amendments made by S.R. 2020 No. 108 and S.R. 2021 No. 345

(m) Paragraph (1A) inserted by regulation 8(5)(b) of S.R. 2020 No. 108 and amended by regulation 8(3) of S.R. 2021 No. 345



- (i) omit sub-paragraph (c),
- (ii) after sub-paragraph (d) add—
  - “(e) the Post Office or the Secretary of State for the purpose of providing compensation or support which is—
    - (i) in connection with the failings of the Horizon system, or
    - (ii) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(a).”;
- (c) after paragraph (1A) insert—
  - “(1B) This regulation also applies where a person receives a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower.
  - (1C) This regulation also applies where a person—
    - (a) receives a vaccine damage payment or is a person for whose benefit a vaccine damage payment is made;
    - (b) is the partner of a person referred to in sub-paragraph (a) and receives a payment by or on behalf of that person which is derived from a vaccine damage payment;
    - (c) was the partner of a person referred to in sub-paragraph (a) immediately before the latter’s death and receives a payment from their estate which is derived from a vaccine damage payment;
    - (d) in a case where a vaccine damage payment is made to the personal representative of a person (“P”) who was severely disabled as a result of vaccination, the person who was P’s partner immediately before P’s death and receives a payment from P’s estate which is derived from the vaccine damage payment.”;
- (d) after paragraph (3) add—
  - “(4) In this regulation—
    - “the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;
    - “the Post Office” means Post Office Limited (registered number 02154540);
    - “vaccine damage payment” means a payment made under the Vaccine Damage Payments Act 1979.”.

### **Amendment of the Social Security (Recovery of Benefits) Regulations**

**9.—**(1) The Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997<sup>(b)</sup> are amended in accordance with paragraphs (2) and (3).

- (2) In regulation 2 (exempted trusts and payments), after paragraph (2)(s) add—
  - “(t) any payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;
  - (u) any payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—
    - (i) in connection with the failings of the Horizon system, or
    - (ii) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)(c).”;
- (3) After paragraph (2) add—
  - “(3) In this regulation—

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(a) [2019] EWHC 606 (QB)  
 (b) S.R. 1997 No. 429  
 (c) [2019] EWHC 606 (QB)

“the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;

“the Post Office” means Post Office Limited (registered number 02154540).”.

### **Amendment of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations**

**10.**—(1) The Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations (Northern Ireland) 2008<sup>(a)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 7 (exempted trusts and payments), after paragraph (2)(p) add—

“(q) any payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;

(r) any payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

(i) in connection with the failings of the Horizon system, or

(ii) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) “Common Issues”)<sup>(b)</sup>.”;

(3) After paragraph (2) add —

“(3) In this regulation—

“the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;

“the Post Office” means Post Office Limited (registered number 02154540).”.

Sealed with the Official Seal of the Department for Communities on 16th June 2023

(L.S.)

*David Tarr*

A senior officer of the Department for Communities

The Department of Finance hereby consents to regulations 5 and 6 of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance on 16th June 2023

(L.S.)

*Patrick Neeson*

A senior officer of the Department of Finance

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(a) S.R. 2008 No. 355

(b) [2019] EWHC 606 (QB)

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Rule amends various social security Regulations to make provision for Post Office Horizon-related compensation payments, Grenfell Tower-related compensation and damages payments and Vaccine Damage Scheme payments to be disregarded indefinitely as capital and income for the purposes of calculating entitlement to benefit. Further provision is made to exempt Grenfell Tower-related payments and Post Office Horizon-related payments from the Department's compensation recovery process.

Regulations 2 to 8 amend the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459), the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 198), the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28), the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406), the Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008 No. 280) and the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216).

In particular, they amend (as appropriate) provisions regarding payments that are to be disregarded as income and capital for the purposes of calculating entitlement to benefits in order to:

- expand the existing disregard relating to the fire at Grenfell Tower on 17th June 2017 to cover any payment made to provide compensation or support in respect of the fire,
- create a new disregard in relation to payments made by the Secretary of State or the Post Office for the purpose of providing compensation or support in connection with the failings of the Post Office Horizon computer system or otherwise payable following the judgment in *Bates and Others v. Post Office Limited* ((No. 3) "Common Issues") [2019] EWHC 606 (QB), and
- create a new disregard relating to payments made under the Vaccine Damage Payments Act 1979 (c.17).

Regulations 9 and 10 amend respectively the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997 (S.R. 1997 No. 429) and the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 355) to exempt Grenfell Tower payments and Post Office payments from the compensation recovery schemes established under the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (N.I. 12).

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.

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

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