STATUTORY RULES OF NORTHERN IRELAND

2020 No. 63

SOCIAL SECURITY

The Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020

Made - - - -	*at 10.23 a.m. on 7th April 2020*
Laid before Parliament	*at 3.00 p.m. on 7th April 2020*
Coming into operation	*8th April 2020*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 123, 129, 131(1), 133(1) and (2)(h) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1], Articles 2(2), 6(5) and (12), 8(4), 9(4) and 36(2) of, and paragraph 12 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995 [F2], sections 2(3), (4), (6) and (9), 3(8), 17(1) and (2)(a) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002 [F3], sections 4(2) and (3), 24(1) and 25(2) of, and paragraph 6(8) of Schedule 1 to, the Welfare Reform Act (Northern Ireland) 2007 [F4] and Articles 5, 7(2), 11(1), 13(1) and 48(2) of, and paragraph 5(1) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015 [F5].

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015 [F6].

F1 1992 c.7. Section 133(1) is cited for the meaning of "prescribed".

F2 S.I.1995/2705 (N.I. 15); Article 2(2) is cited for the meaning of the word "regulations". Article 8 and 9 are maintained in operation in certain circumstances by Article 9 of S.R. 2017 No. 190.

F3 2002 c.14 (N.I.). Section 17(1) is cited for the meaning of "prescribed" and "regulations".

F4 2007 c. 2 (N.I.). Sections 2 and 4 were repealed for certain purposes by the Welfare Reform (Northern Ireland) Order 2015. Section 24(1) is cited for the meaning of "prescribed" and "regulations".

F5 2015 No. 2006 (N.I. 1). Article 5 is cited for the meaning of "prescribed".

F6 Article 4 was amended by Article 4 of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1). Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Jobseekers (Northern Ireland) Order 1995 are vested in the Department for Communities by virtue of Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020 and come into operation on 8th April 2020.

[F7(1A) In these regulations "coronavirus disease" means COVID-19 (the official designation of the disease which can be caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)).**]**

(2) The Interpretation Act (Northern Ireland) 1954 F8 shall apply to these Regulations as it applies to an Act of the Assembly.

F7 Reg. 1(1A) inserted (12.5.2021) by The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/105), regs. 1(1), **4(2)**
F8 1954 c.33 (N.I.).

Income Support, Jobseekers Allowance, State Pension Credit, Employment and Support Allowance and Universal Credit – definition of prisoner

2.—(1) **[**F9Where the Department is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Department determines**]** the Regulations in paragraph (2) are to be read as if the definition of "prisoner" did not include a person on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953 F10.

(2) The regulations are—

(a) the Income Support (General) Regulations (Northern Ireland) 1987 F11;

(b) the Jobseeker's Allowance Regulations (Northern Ireland) 1996 F12;

(c) the State Pension Credit Regulations (Northern Ireland) 2003 F13;

(d) the Employment and Support Allowance Regulations (Northern Ireland) 2008 F14; and

(e) the Universal Credit Regulations (Northern Ireland) 2016 F15.

F9 Words in reg. 2(1) inserted (12.5.2021) by The Social Security (Coronavirus) (Miscellaneous Amendments) Regulations (Northern Ireland) 2021 (S.R. 2021/105), regs. 1(1), **4(3)(4)(a)**
F10 1953 c.18 (N.I.)
F11 S.R. 1987 No. 459. Relevant amending Regulations are S.R. 1995 No. 86 and S.R. 1998 No. 81.
F12 S.R. 1996 No. 198. Relevant amending Regulations are S.R. 1998 No. 81 and S.R. 2006 No. 234.
F13 S.R. 2003 No. 28. Relevant amending Regulations is S.R. 2018 No. 135.
F14 S.R. 2008 No. 280. There are no relevant amending Regulations.
F15 S.R. 2016 No. 216. There are no relevant amending Regulations.

Income Support, Jobseekers Allowance, State Pension Credit and Employment and Support Allowance - persons treated as being or not being members of the same household

3. **[**F16Where the Department is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Department determines**]** the following provisions are to be read as if the words "on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953" were omitted—

(a) regulation 16(3)(b) of the Income Support (General) Regulations (Northern Ireland) 1987 F17;

(b) regulation 78(3)(b) F18 of the Jobseeker's Allowance Regulations (Northern Ireland) 1996;