STATUTORY RULES OF NORTHERN IRELAND

# 2020 No. 53

# SOCIAL SECURITY

## The Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020

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| *Made - - - -* | *at 11.51 a.m. on 27th March 2020* |
| *Laid before Parliament* | *at 3.00 p.m. on 27th March 2020* |
| *Coming into operation* | *30th March 2020* |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 70(8), 122(1)(d), 129A(2), 167D, 167G(2) and 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1], Articles 2(2), 8(4), 8E(5), 8F(1), 9(4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995 [F2] and Articles 5, 14(2), 23(5), 27(2), 43(6), 48(1), (2) and (4) of, and paragraph 4(4) of Schedule 1, to the Welfare Reform (Northern Ireland) Order 2015 [F3].

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015 [F4].

**F1** 1992 c. 7; sections 167D and 167G were inserted by Article 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)). Section 167G(2) is cited for the meaning of "prescribed".Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21) and section 171(5) was amended by paragraph 36 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 N.I. 12)).

**F2** S.I. 1995/2705 (N.I. 15). Article 2(2) is cited for the meaning of "prescribed" and "regulations". Articles 8E and 8F were inserted by Article 55(4) of the Welfare Reform (Northern Ireland) Order 2015 (S.I 2015/2006 (N.I. 1)). Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 (S.I. 1999/671).

**F3** S.I. 2015/2006 (N.I. 1); Article 5 is cited for the meaning of "prescribed".

**F4** 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) (Further Measures) Regulations (Northern Ireland) 2020 and shall come into operation on 30th March 2020.

(2) In these Regulations—

"coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

"coronavirus disease" means COVID-19 (the official designation of the disease which can be caused by coronavirus);

"the Department" means the Department for Communities;

"isolation" in relation to a person, means the separation of that person from any other person in such a manner as to prevent infection or contamination with coronavirus disease;

"universal credit" means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016 [F5].

(3) The Interpretation Act (Northern Ireland) 1954 [F6] shall apply to these Regulations as it applies to an Act of the Assembly. For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954 where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

**F5** S.R. 2016 No. 216.
**F6** 1954 c.33 (N.I.).

### Universal credit – minimum income floor

**2.**—(1) The Department may, where it appears expedient as a consequent of the outbreak of coronavirus disease, and in such cases or class of case, or for such period, as the Department determines—

(a) treat the amount of the individual threshold or the couple threshold in regulation 63 [F7] (minimum income floor) of the Universal Credit Regulations as if it were a lesser amount (including zero);

(b) where it falls to be determined whether a claimant is in gainful self-employment, delay that determination;

(c) where it has been determined that a claimant is in gainful self-employment, treat that claimant as not being in gainful self-employment;

(d) where a claimant is in a start-up period, extend that period for as long as the Department considers appropriate; or

(e) in relation to any claimant who would otherwise fall within Article 27 of the Welfare Reform (Northern Ireland) Order 2015 (all work-related requirements) as a result of this regulation, except that claimant from a work search requirement or a work availability requirement.

(2) In this regulation "start-up period" and "gainful self-employment" have the meanings given in regulations 64 and 65 respectively of the Universal Credit Regulations.

**F7** Regulation 63 was amended by regulation 3 of S.R. 2019 No. 173.

**Modifications etc. (not altering text)**

**C1** Reg. 2 continued in part (with modifications) (temp.) (31.7.2021) by The Universal Credit (Coronavirus) (Restoration of the Minimum Income Floor) Regulations (Northern Ireland) 2021 (S.R. 2021/209), regs. 1(1), **2**

### Universal credit – standard allowance modification

**3.**—(1) Regulation 38 (amounts of elements) of the Universal Credit Regulations, as amended by Article 33 of, and Schedule 13 to, the Social Security Benefits Up-rating Order (Northern Ireland) 2020 [F8] ("the 2020 Up-rating Order") is to be read as if the following amounts were substituted for the amounts of the standard allowance—

(a) £342.72 for a single claimant aged under 25;

(b) £409.89 for a single claimant aged 25 or over;

(c) £488.59 for joint claimants both aged under 25;

(d) £594.04 for joint claimants where either is aged 25 or over.

(2) This regulation takes effect in relation to each award of universal credit **[**[F9]in the first assessment period that ends on or after 6th April 2020**]** and continues to have effect only for the remainder of the tax year beginning with 6th April 2020.

**F8** S.R. 2020 No. 40.

**F9** Words in reg. 3(2) substituted (6.4.2020) by The Social Security (Coronavirus) (Further Measures) Amendment Regulations (Northern Ireland) 2020 (S.R. 2020/61), regs. 1, **2(1)**

### Local Housing Allowance

**4.**—(1) The Housing Benefit (Executive Determinations Regulations (Northern Ireland) 2008 [F10] are amended as follows—

(a) in regulation 3 (broad rental market determinations and local housing allowance determinations)—

(i) in paragraph (2A), at the end add " and also the 31st March 2020 ";

(ii) in paragraph (3A), at the end add " , and the determinations made on the 31st March 2020 shall take effect (on 1st April 2020) in place of the determinations made on the 31st January 2020 ";

(b) in the Schedule, for paragraph 2(2) (local housing allowance for category of dwelling in paragraph 1) substitute—

"(2) The local housing allowance for any category of dwelling is the lower of—

(a) the rent at the 30th percentile determined in accordance with sub-paragraphs (4) to (8); and

(b) for a category of dwelling listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance) —

| *1. Category of dwelling as specified in paragraph 1* | *2. Maximum local housing allowance for that category of dwelling* |
|---|---|
| paragraph 1(1)(a) (one bedroom, shared accommodation) | £295.49 |

| | |
|---|---|
| paragraph 1(1)(b) (one bedroom, exclusive use) | £295.49 |
| paragraph 1(1)(c) (two bedrooms) | £365.92 |
| paragraph 1(1)(d) (three bedrooms) | £441.86 |
| paragraph 1(1)(e) (four bedrooms) | £593.75". |

(2) The Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016 [F11] are amended as follows—

(a) in regulation 4 (local housing allowance determinations)—

(i) in paragraph (1) after "last working day of January" insert " and also the 31st March 2020 ";

(ii) after paragraph (3) insert—

"(3A) The determinations made in accordance with paragraph (1) on 31st March 2020 shall take effect (under paragraph (3)) in place of the determinations made in accordance with paragraph (1) on the 31st January 2020.";

(b) in Schedule 1 for paragraph 2(2) (local housing allowance for category of accommodation in paragraph 1) substitute—

"(2) The local housing allowance for any category of accommodation is the lower of—

(a) the rent at the 30th percentile determined in accordance with paragraph 3; and

(b) for a category of accommodation listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance) —

| ***1. Category of accommodation as specified in paragraph 1*** | ***2. Maximum local housing allowance for that category of accommodation*** |
|---|---|
| paragraph 1(a) (one bedroom, shared accommodation) | £1,283.96 |
| paragraph 1(b) (one bedroom, exclusive use) | £1,283.96 |
| paragraph 1(c) (two bedrooms) | £1,589.99 |
| paragraph 1(d) (three bedrooms) | £1,920.00 |
| paragraph 1(e) (four bedrooms) | £2,579.98". |

**F10** S.R. 2008 No. 100; relevant amending Rules are SR 2012 No. 157, SR 2015 No.2 and SR 2020 No. 14.

**F11** S.R. 2016 No. 222.

**Housing benefit – disregards from income modification**

**5.**—(1) The following provisions of the Housing Benefit Regulations (Northern Ireland) 2006 [F12] shall be read as if, for "£17.10" there were substituted " £37.10 "

(a) paragraph 17(1) and (3)(c) of Schedule 5 (sums to be disregarded in the calculation of earnings);

(b) paragraph 58 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings).

(2) The following provisions of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 [F13] shall be read as if, for "£17.10" there were substituted " £37.10 "

(a) paragraph 9(1) and (3)(c) of Schedule 5 (sums disregarded from claimant's earnings);

(b) paragraph 22 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings).

(3) This regulation takes effect on 6th April 2020 and ceases to have effect at the end of 4th April 2021.

**F12** S.R. 2006 No. 405; paragraph 17(1) and (3)(c) of Schedule 5 was amended by regulation 2(6)(b) of S.R. 2009 No. 382 and Article 19(9) of S.R. 2010 No. 118 and paragraph 58 of Schedule 6 was amended by Article 19(10) of S.R. 2010 No. 118; *see also* Article 24(9) and (10) of S.R. 2020 No. 40.

**F13** S.R. 2006 No. 406; paragraph 9(1) and (3)(c) of Schedule 5 was amended by Article 20(8) of S.R. 2010 No. 118 and paragraph 22 of Schedule 6 was amended by regulation 6(6)(d) of S.R. 2008 No. 498 and Article 20(9) of S.R. 2010 No. 118; *see also* Article 25(8) and (9) of S.R. 2020 No. 40.

### Universal credit and new style JSA – work-related requirements

**6.**—(1) As a consequence of the outbreak of coronavirus disease, where a person has an award of new style JSA or an award of universal credit—

(a) the Department must not impose a work search requirement [F14] on that person;

(b) a work search requirement previously applying to such a person ceases to have effect from the date on which these Regulations come into operation; and

(c) "able and willing immediately to take up paid work" under a work availability requirement [F15]imposed on such a person means able and willing to take up paid work, or attend an interview, immediately once this regulation ceases to apply.

(2) This regulation applies for a period of 3 months beginning with the date that these Regulations come into operation and the Department may extend that period for all cases or any class of case where it appears expedient as a consequence of the continuation of the outbreak of coronavirus disease.

(3) In this regulation, "new style JSA" means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the amendments made by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance.

**F14** See Article 8D of the Jobseekers (Northern Ireland) Order 1995 and Article 22 of the Welfare Reform (Northern Ireland) Order 2015.

**F15** See Article 8E of the Jobseekers (Northern Ireland) Order 1995 and Article 23 of the Welfare Reform (Northern Ireland) Order 2015.

### Old style JSA – availability for employment and actively seeking employment

**7.**—(1) As a consequence of the outbreak of coronavirus disease, a person who has an award of old style JSA is to be treated as—

(a) available for employment; and

(b) actively seeking employment,