STATUTORY RULES OF NORTHERN IRELAND

2018 No. 187

SOCIAL SECURITY

The Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2018

Made - - - - 30th October 2018

Laid before Parliament 5th November 2018
Coming into operation in accordance with regulation 1(2) and (3)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 131(1), 132(3) and (4)(b), 133(1) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), Articles 2(2), 6(5) and 14(1) and (4)(b) of the Jobseekers (Northern Ireland) Order 1995(**2**), and Articles 15(4), 16(4) and (5)(a), and 48(1) and (2) of, paragraphs 4(1) and (3) of Schedule 1 and paragraph 1(1) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015(**3**).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1)(a) and (b) of the Welfare Reform (Northern Ireland) Order 2015.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Universal Credit and Jobseeker's Allowance (Miscellaneous Amendments) Regulations (Northern Ireland) 2018.

(2) Subject to paragraph (3), these Regulations come into operation on 28th November 2018.

(3) Regulations 3(2) and (8)(a) to (b) and 6 come into operation on 31st December 2018.

(4) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 1992 c. 7; section 133(1) 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).
(**2**) S.I. 1995/2705 (N.I. 15)); Article 2(2) is cited for the meaning of "prescribed" and "regulations". Functions under S.I. 1995/2705 (N.I. 15) were transferred to 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.)).
(**3**) S.I. 2015/2006; Article 15(4) was amended by Article 10(4) of S.I. 2016/999 (N.I. 1).
(**4**) 1954 c. 33 (N.I.).

Amendments to the Jobseeker's Allowance Regulations (Northern Ireland) 1996

2. In Schedule 1 (applicable amounts) to the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**5**)—

(a) in paragraph 12 (higher pensioner premium), in sub-paragraph (1)(a)(i)(**6**) for "paragraph 14(1)(a), (c), (e), (f) or (h)" substitute "paragraph 14(1)(a), (ba), (c), (ca), (e), (f), (fa) or (h)";

(b) in paragraph 13 (disability premium) in sub-paragraph (1)(a) and (b)(**7**) for "paragraph 14(1)(a), (c), (e), (f) or (h)" substitute "paragraph 14(1)(a), (ba), (c), (ca), (e), (f), (fa) or (h)".

Amendments to the Universal Credit Regulations (Northern Ireland) 2016

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

(2) In regulation 7(2)(**9**) (rounding), omit paragraph (c) and the "and" preceding it.

(3) In regulation 25A(**10**) (availability of the child element where maximum exceeded)—

(a) in paragraph (1)—

(i) before sub-paragraph (a), insert—

"(za) any child or qualifying young person to whom an exception applies in the circumstances set out in—

(i) paragraph 3 (adoptions) or paragraph 4 (non-parental caring arrangements) of Schedule 12; or

(ii) paragraph 6 of Schedule 12 (continuation of existing exception in a subsequent award) by virtue of an exception under paragraph 3 of that Schedule having applied in relation to a previous award;"; and

(ii) in sub-paragraph (b)(ii), after "person" insert "in the circumstances set out in paragraph 2 (multiple births), paragraph 5 (non-consensual conception) or, except where sub-paragraph (za) applies, paragraph 6 (continuation of existing exception in a subsequent award) of Schedule 12"; and

(b) omit paragraph (4).

(4) In regulation 25B(**11**) (order of children and qualifying young persons)—

(a) in paragraph (1)—

(i) for "paragraph (2)" substitute "paragraphs (2) and (2A)", and

(ii) for "the following date" to the end of paragraph (1)(b) substitute "the date of birth of each child or qualifying young person for whom the claimant is responsible, taking the earliest date first.";

(b) omit paragraph (2)(b) and the "or" preceding it; and

(c) after paragraph (2) insert —

(**5**) S. R. 1996 No. 198.
(**6**) Sub-paragraph (1)(a) was amended by regulation 3(8)(b)(i) of S.R. 2007 No. 154 and regulation 5(5)(b) of S.R. 2010 No. 103.
(**7**) Sub-paragraph (1) was amended by regulation 3(8)(c)(i) and (ii) of S.R. 2007 No. 154 and regulation 5(5)(c) of S.R. 2010 No. 103.
(**8**) S.R. 2016 No.216.
(**9**) Regulation 7(2) was amended by Regulation 2(2) of S.R. 2017 No. 142.
(**10**) Regulation 25A was inserted by regulation 2(3) of S.R. 2017 No.79.
(**11**) Regulation 25B was inserted by regulation 2(3) of S.R. 2017 No.79.

"(2A) Any child or qualifying young person to whom regulation 25A(1)(za) applies is to be disregarded when determining the order of children and qualifying young persons under this regulation.".

(5) In regulation 53(2)(b) (calculation of earned income – general principles) for "unearned" substitute "earned".

(6) In regulation 54(6) (surplus earnings) in the definition "the old award" for "11th April 2018" substitute "8th May 2018".

(7) In regulation 77(5) (company analogous to a partnership or one person business), for "or Chapter 9" to the end, substitute ", Chapter 9 (managed service companies) or Chapter 10 (workers' services provided to public sector through intermediaries) of Part 2 of ITEPA and that income is derived from activities that are the person's main employment".

(8) In Schedule 4(**12**) (housing cost element for renters)—

(a) in the heading of Part 2 (exceptions to the inclusion of housing costs element), for "Exceptions" substitute "Exception";

(b) omit paragraphs 4A to 4C; and

(c) in paragraph 28—

(i) in sub-paragraph (1), for "(5)" substitute "(5A)";

(ii) after sub-paragraph (5) insert—

"(5A) E is under 35 years old and satisfies the foster carer condition (within the meaning of paragraph 11(4)).".

Amendments to the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016

4.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**13**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3A(**14**) (entitlement to universal credit and housing benefit: universal credit work allowance) omit "not" the second time it occurs.

(3) After regulation 8(**15**) (treatment of overpayments) insert—

"**Arrears of benefit disregarded as capital**

8A.—(1) This regulation applies in relation to the calculation of an award of universal credit (the "current award") where the claimant has received a payment of arrears of benefit, or a concessionary payment made to compensate for arrears of benefit, of £5,000 or more, and the following conditions are met:

(a) the payment—

(i) is received during the current award, or

(ii) was received during an award of an existing benefit (the "earlier award") and the claimant became entitled to the current award within one month of the date of termination of the earlier award;

(**12**) Schedule 4 was amended by regulation 2(3) of S.R 2017 No. 142.
(**13**) S.R. 2016 No. 226.
(**14**) Regulation 3A was inserted by regulation 9(4) of S.R. 2018 No. 92.
(**15**) Regulation 8 was amended by regulation 12(3) of S.R. 2017 No. 116.