STATUTORY RULES OF NORTHERN IRELAND

2018 No. 92

SOCIAL SECURITY

The Universal Credit (Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision) Regulations (Northern Ireland) 2018

Made - - - -	*at 1.30 p.m. on 16th April 2018*
Laid before Parliament	*at 4.00 p.m. on 16th April 2018*

Coming into force in accordance with regulation 1(2)

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1A), 103B(2)(ia), 165(1), (4) to (6) and 167(1) of the Social Security Administration (Northern Ireland) Act 1992(**1**), Articles 2(2) and 8H(1)(a) of the Jobseekers (Northern Ireland) Order 1995(**2**), Articles 2(2), 11(6) and 74(1), (3) and (4) of the Social Security (Northern Ireland) Order 1998(**3**), and now vested in it(**4**), section 60(1), (2) and (6) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**5**) and Articles 5, 11(1)(c) and (3), 12(2) and (3), 13(3), 16(3)(a) and (5)(a), 24(2)(d), (3) and (4), 29(1)(a), 36, 38, 42 and 48(1) and (2) of, and paragraph 4(1) and (3)(a) of Schedule 1 and paragraphs 1(1) and 4(1)(a) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015(**6**).

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.

(**1**) 1992 c. 8 (N.I.); section 5(1A) was inserted by Article 104(3) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)), section 103B was substituted by paragraph 2 of Schedule 6 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and amended by section 1(2) to (4) of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17 (N.I.)), Article 2 of S.R. 2002 No. 408, paragraph 116 of Schedule 24 to the Civil Partnership Act 2004 (c.33) and paragraph 30 of Schedule 12 to the Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I 21)), subsection (2)(ia) was inserted by Article 112 of the Welfare Reform (Northern Ireland) Order 2015, section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and section 18(5) of the National Insurance Contributions Act 2014 (c. 7), section 167(1) is cited for the meaning of "prescribe" and the definition of "prescribe" was amended by paragraph 5 of Schedule 5 to the Welfare Reform (Northern Ireland) Act 2007 (c. 2).

(**2**) S.I. 1995/2705 (N.I. 15); Article 2(2) is cited for the meaning of "prescribed" and Article 8H was inserted by Article 55(4) of the Welfare Reform (Northern Ireland) Order 2015.

(**3**) S.I. 1998/1506 (N.I. 10); Article 2(2) is cited for the meaning of "prescribed" and Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002.

(**4**) *See* Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

(**5**) 2000 c. 4; section 60(1) was amended by paragraph 44 of Schedule 2 to the Welfare Reform (Northern Ireland) Order 2015 and section 60(6) is cited for the meaning of "prescribed".

(**6**) S.I. 2015/2006; Article 5 is an interpretation provision and is cited for the meaning of "prescribed".

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Universal Credit (Persons Required to Provide Information, Miscellaneous Amendments and Saving and Transitional Provision) Regulations (Northern Ireland) 2018.

(2) These Regulations come into force on 8th May 2018.

(3) The Interpretation Act (Northern Ireland) 1954(**7**) shall apply to these Regulations as it applies to an Act of the Assembly.

Persons required to provide information

2.—(1) Those persons of a prescribed description for the purpose of section 103B(2)(ia) of the Social Security Administration (Northern Ireland) Act 1992 (power of authorised officers to require information) are listed in sub-paragraphs (a) to (d)—

(a) a person who provides relevant childcare;

(b) a person to whom a person in receipt of universal credit ("C") is liable to make rent payments in respect of accommodation which C occupies, or purports to occupy, as their home where C's award of universal credit includes an amount in respect of such payments;

(c) a person who makes a determination of housing costs in accordance with the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016(**8**) to the extent that the information required relates to such determination;

(d) an officer of the Department of Finance(**9**) to the extent that the information required relates to rate relief under the Rate Relief Regulations (Northern Ireland) 2017(**10**).

(2) In this regulation—

"UC Regulations" means the Universal Credit Regulations (Northern Ireland) 2016(**11**);

"relevant childcare" has the meaning given in regulation 37 of the UC Regulations;

"rent payments" has the meaning given in paragraph 2 of Schedule 1 to the UC Regulations;

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

Amendments to the Discretionary Financial Assistance Regulations (Northern Ireland) 2001

3. In the following provisions of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(**12**), after "paragraph 3(e)" insert "or (ea)(**13**)"—

(a) regulation 1(2), in the definition of "relevant award of universal credit"(**14**); and

(b) regulation 4(2)(b)(**15**).

(**7**) 1954 c. 33 (N.I.).
(**8**) S.R. 2016 No. 222.
(**9**) The Department of Finance and Personnel was renamed the Department of Finance by section 1(4) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)).
(**10**) S.R. 2017 No. 184.
(**11**) S.R. 2016 No. 216.
(**12**) S.R. 2001 No. 216; relevant amending Regulations are S.R. 2017 No. 143.
(**13**) New sub-paragraph (ea) is inserted into paragraph 3 of Schedule 1, to the Universal Credit Regulations (Northern Ireland) 2016 by regulation 6(17) of these Regulations.
(**14**) Definition inserted by regulation 2(2) of S.R. 2017 No. 143.
(**15**) Regulation 4 was substituted by regulation 2(5) of S.R. 2017 No. 143.

Amendments to the Housing Benefit Regulations (Northern Ireland) 2006

4.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**16**) are amended in accordance with paragraphs (2) to (9).

(2) After regulation 2(3A)(**17**) (interpretation) insert—

"(3B) For the purposes of these Regulations, a person ("P") is on universal credit on any day in respect of which P is entitled to universal credit (whether it is in payment or not).".

(3) In regulation 5(1)(b)(**18**) (persons who have attained the qualifying age for state pension credit) before "on income support" insert "on universal credit,".

(4) In regulation 7(6)(a)(i) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), for "housing benefit should be paid" substitute "payments should be made (whether by way of housing benefit or universal credit)".

(5) After regulation 53(2)(a) (full-time students to be treated as not liable to make payments in respect of a dwelling) insert—

"(aa) who is a person on universal credit, except where the award of universal credit to that person includes an amount in respect of a liability to make payments in respect of the accommodation they occupy as their home, in accordance with Article 16 of the 2015 Order (housing costs);".

(6) In regulation 81(5) (time and manner in which claims are to be made)—

(a) after sub-paragraph (a) insert—

"(aa) in a case where an award of universal credit has been made to the claimant and the claim for housing benefit is made—

(i) within one month of a date on which the claim for universal credit was made in accordance with regulation 7 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(**19**); or

(ii) in a case where the award of universal credit was made without a claim in accordance with regulation 8(6), (7) or (10) (claims for universal credit by members of a couple) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016, or the claimant was treated as making a claim for universal credit under regulation 8(8) of those Regulations, within one month of the date on which the Department sent notification of the award to the claimant,

the first day of entitlement to universal credit arising from the award;";

(b) in sub-paragraph (b) before "income support" insert "universal credit,"; and

(c) in sub-paragraph (d) for "sub-paragraph (a), (b) or (c)" substitute "sub-paragraph (a), (aa), (b) or (c)".

(7) In Schedule 5 (sums to be disregarded in the calculation of earnings) in paragraph 12(**20**) before "income support" insert "universal credit,".

(**16**) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2008 No. 378.
(**17**) Paragraph (3A) was inserted by regulation 3(2)(b) of S.R. 2008 No. 378.
(**18**) Regulation 5(1)(b) was amended by regulation 3(3) of S.R. 2008 No. 378.
(**19**) S.R. 2016 No. 220.
(**20**) Paragraph 12 was amended by regulation 3(18)(b) of S.R. 2008 No. 378.

(8) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings) in paragraph 4(**21**) before "income support" insert "universal credit,".

(9) In Schedule 7 (capital to be disregarded) in paragraph 5(**22**) before "income support" insert "universal credit,".

Amendment to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

5. In regulation 5(2) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**23**) before "on income support" insert "on universal credit,".

Amendments to the Universal Credit Regulations (Northern Ireland) 2016

6.—(1) The Universal Credit Regulations (Northern Ireland) 2016(**24**) are amended in accordance with paragraphs (2) to (19).

(2) In the Table of Contents—

(a) omit the entries for regulation 20 (waiting days) and 21 (awards);

(b) after the entry for regulation 22 (assessment periods) insert—

"**22A.** Assessment period cycle to remain the same following change in the first day of entitlement"; and

(c) in the entries for Schedule 4 (housing costs element for renters)—

(i) in the entry for Part 4 omit "and temporary accommodation"; and

(ii) in the entry for Part 5 omit "other than temporary accommodation".

(3) Omit regulation 20 (waiting days).

(4) Omit regulation 21 (awards).

(5) In regulation 22 (assessment periods)—

(a) omit paragraph (2); and

(b) after paragraph (3) insert—

"(3A) But paragraphs (1) and (3) are subject to regulation 22A (assessment period cycle to remain the same following change in the first date of entitlement).".

(6) After regulation 22 insert—

"**Assessment period cycle to remain the same following change in the first date of entitlement**

22A.—(1) This regulation applies where—

(a) the first date of entitlement has been determined;

(b) it is subsequently determined that the first date of entitlement falls on a different date (the "start date"); and

(c) applying regulations 22(1) and (3) following that subsequent determination (and thereby changing the beginning of each assessment period) would, in the opinion of the Department, cause unnecessary disruption to the administration of the claim.

(**21**) Paragraph 4 was amended by regulation 3(19)(a) of S.R. 2008 No. 378.
(**22**) Paragraph 5 was amended by regulation 3(20)(a) of S.R. 2008 No. 378.
(**23**) S.R. 2006 No. 406; Regulation 5(2) was amended by regulation 4(3) of S.R. 2008 No. 378.
(**24**) S.R. 2016 No. 216.

(2) Where this regulations applies—

(a) the first assessment period is to be a period of a length determined by the Department beginning with the start date;

(b) the amount payable in respect of that first assessment period is to be calculated as follows—

$$N \times \left(\frac{A \times 12}{365} \right)$$

where—

N is the number of days in the period; and

A is the amount calculated in relation to that period as if it were an assessment period of one month; and

(c) regulation 22(1) and (3) apply to the second and subsequent assessment periods as if the day after the end of the first assessment period were the first date of entitlement.".

(7) In the table in regulation 23 (deduction of income and work allowance)—

(a) for "£397" in both places where it occurs substitute "£409"; and

(b) for "£192" in both places where it occurs substitute "£198".

(8) For regulation 54 (surplus earnings) substitute—

"**54.**—(1) This regulation applies in relation to a claim for universal credit where—

(a) the claimant, or either of joint claimants, had an award of universal credit that terminated within the 6 months ending on the first day in respect of which the claim is made ("the old award");

(b) the claimant has not, or neither of joint claimants has, been entitled to universal credit since the old award terminated; and

(c) the total earned income in the month that would have been the final assessment period for the old award, had it not terminated, exceeded the relevant threshold.

(2) Where this regulation applies, any surplus earnings that are to be taken into account in relation to the claim in accordance with paragraph (3) are to be treated as earned income for the purposes of determining whether there is entitlement to a new award and, if there is entitlement, calculating the amount of the award.

(3) Surplus earnings are—

(a) if the claim in question is the first since the termination of the old award, the amount of the excess referred to in paragraph (1)(c) ("the original surplus");

(b) if the claim in question is the second since the termination of the old award, the amount, if any, by which —

(i) the original surplus, plus

(ii) the total earned income in the month that would have been the first assessment period in relation to the first claim,

exceeded the relevant threshold ("the adjusted surplus");

(c) if the claim in question is the third since the termination of the old award, the amount, if any, by which —

(i) the adjusted surplus from the second claim, plus