STATUTORY RULES OF NORTHERN IRELAND

2017 No. 116

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2017

Made - - - -	*5th July 2017*
Laid before Parliament	*6th July 2017*
Coming into operation in accordance with regulation 1	

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by:

— sections 122(1)(d), 132(4)(b), 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**),

— Articles 4(3B), 6(2), (5) and (12), 8H(7), 8J(5)(b) and (6), 8K(4)(b) and (5)(b), 14(1), (2), (3) and (4)(a) and (b), 21(4)(b) and (5)(b), 21A(4)(b) and (5)(b), 21B(1), (4)(b) and (6) and 36(2) of, and paragraph 2(1) of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995(**2**),

— sections 15(1)(e) and 19(2) of the State Pension Credit Act (Northern Ireland) 2002(**3**),

— sections 11H(7), 11J(3)(b), (4)(b) and (7), 12(3) and (4)(c), 13(3) and (4)(c) and 25(2)(a) of the Welfare Reform Act (Northern Ireland) 2007(**4**), and

— Articles 16(3)(a), 24(2)(d), 29(7), 31(6)(b), (7) and (8)(c), 32(4)(b), (5)(b) and (9)(c), 33(1) and (2)(f), 38, 43(3) and (6), 46, 48(1) and (2)(a) of, and paragraph 4(1) of Schedule 1 and paragraphs 1(1), 4(1)(a), 5(1), (2)(c) and (d) and (3)(a) of Schedule 6 to the Welfare Reform (Northern Ireland) Order 2015(**5**).

Those powers are exercisable by the Secretary of State for Work and Pensions by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015(**6**).

(**1**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21).

(**2**) Article 4(3B) was inserted by section 11(5) of the Welfare Reform Act (Northern Ireland) 2010 (c. 13 (N.I.)), Articles 21, 21A and 21B were inserted by Article 52 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) and are repealed by Schedule 12 to that Order from a date to be appointed. Articles 8J and 8K were inserted by Article 55 of that Order. Paragraph 2 of Schedule 1 was substituted by paragraph 6(6) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and amended by regulation 7 of S.R. 2016 No. 236; paragraph 2 provides that questions about whether a person has limited capability for work are to be determined for the purposes of that Order in accordance with Part 1 of the Welfare Reform Act (Northern Ireland) 2007 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015, as the Department considers appropriate in the person's case.

(**3**) 2002 c. 14 (N.I.).

(**4**) 2007 c. 2 (N.I.).

(**5**) S.I. 2015/2006 (N.I. 1).

(**6**) Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, the Social Security Administration (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 (Miscellaneous Amendments) Regulations (Northern Ireland) 2017 and come into operation in accordance with paragraphs (2) to (8).

(2) This Regulation and regulations 4(1), (2) to (5) and (9) to (14) and 6 come into operation on 25th September 2017.

(3) Regulations 2, 3, 7, 9 and 13 come into operation immediately after the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016(**7**).

(4) Regulations 4(6) to (8) come into operation immediately after the coming into operation of the Jobseeker's Allowance (Sanctions) (Amendment) Regulations (Northern Ireland) 2016(**8**).

(5) Regulation 5 comes into operation immediately after the coming into force of the Income Support (Work-Related Activity) and Miscellaneous Amendments (Northern Ireland) Regulations 2017(**9**).

(6) Regulation 8 comes into operation immediately after the coming into operation of the Employment and Support Allowance (Sanctions) (Amendment) Regulations (Northern Ireland) 2016(**10**).

(7) Regulation 10 comes into operation immediately after the coming into operation of the Jobseeker's Allowance Regulations (Northern Ireland) 2016(**11**).

(8) Regulation 11 comes into operation immediately after the coming into operation of the Employment and Support Allowance Regulations (Northern Ireland) 2016(**12**).

(9) Regulation 12 comes into operation immediately after the coming into operation of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**13**).

(10) The Interpretation Act (Northern Ireland) 1954(**14**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Credits) Regulations (Northern Ireland) 1975

2. Omit regulation 8A(5)(ba) of the Social Security (Credits) Regulations (Northern Ireland) 1975(**15**) (credits for unemployment).

Amendment of the Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988

3.—(1) The Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988(**16**) are amended in accordance with paragraphs (2) and (3).

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

(a) after the definition of "the Act" insert—

""the Order" means the Welfare Reform (Northern Ireland) Order 2015;";

(**7**) S.R. 2016 No. 216.
(**8**) S.R. 2016 No. 241.
(**9**) S.R. 2017 No. 18.
(**10**) S.R. 2016 No. 240.
(**11**) S.R. 2016 No. 218.
(**12**) S.R. 2016 No. 219.
(**13**) S.R. 2016 No. 226.
(**14**) 1954 c. 33 (N.I.).
(**15**) S.R. 1975 No. 113; sub-paragraph (ba) was inserted by regulation 17 of S.R. 2014 No. 150.
(**16**) S.R. 1988 No. 368.

(b) in the definition of "claimant"(**17**) for "or income-related employment and support allowance" substitute ", income-related employment and support allowance or universal credit"; and

(c) after the definition of "station"(**18**) insert—

""universal credit" means universal credit under Part 2 of the Order".

(3) In regulation 1A (prescribed description of persons) (**19**)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (c) omit "or";

(ii) at the end of sub-paragraph (d) insert—

"; or

(e) universal credit.";

(b) in paragraph (3)—

(i) for "(c) or (d)" substitute "(c), (d) or (e)";

(ii) at the end of sub-paragraph (d) omit "or"; and

(iii) at the end of sub-paragraph (e) insert—

"; or

(f) where P has been awarded universal credit—

(i) the award includes an amount under Article 15(2) of the Order (child or qualifying young person who is disabled); or

(ii) the award includes an amount under Article 17(1) of the Order in respect of the needs or circumstances specified in Article 17(2)(a) or (b) (limited capability for work or limited capability for work and work-related activity) or would do so if it did not include an amount in respect of the needs or circumstances specified in Article 17(2)(c) (caring responsibilities for a severely disabled person).''; and

(c) after paragraph (5) add—

"(6) The fourth condition, which applies only where the person has been awarded universal credit and their award of universal credit does not include an amount under Article 15(2) of the Order (child or qualifying young person who is disabled) is that —

(a) in a case where a cold weather payment is payable in relation to a recorded period of cold weather as mentioned in regulation 2(1)(a)(i), the person was not in employment or gainful self-employment on any day during that period; or

(b) in a case where a cold weather payment is payable in relation to a forecasted period of weather as mentioned in regulation 2(1)(a)(ii), the person is not in employment or gainful self-employment on the day when the Met Office supplies the Department for Communities with the forecast.

(7) For the purpose of paragraph (6)—

(a) "employment" means employment under a contract of service, or in an office, including an elective office;

(**17**) The definition of "claimant" was substituted by regulation 2(a) of S.R. 1991 No. 464 and amended by regulation 2(a)(i) of S.R. 2005 No. 447 and regulation 16(2)(b) of S.R. 2008 No. 286.
(**18**) The definition of "station" was substituted by regulation 2(c) of S.R. 1996 No. 488.
(**19**) Regulation 1A was substituted by regulation 2(3) of S.R. 2005 No. 344.

(b) a person is in gainful self-employment where—

(i) they are carrying on a trade, profession or vocation as their main employment,

(ii) their earnings from that trade, profession or vocation are treated as self-employed earnings for the purpose of regulations made under Article 13(3) of the Order, and

(iii) the trade, profession or vocation is organised, developed, regular and carried on in expectation of profit.".

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

4.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**20**) are amended in accordance with paragraphs (2) to (14).

(2) In regulation 14A(10) (circumstances in which a person is to be treated as available-victims of domestic violence)(**21**) for paragraphs (b) and (c) of the definition of "registered social worker" substitute—

"(b) the Health and Care Professions Council,

(c) Social Care Wales, or".

(3) In regulation 1(2) (interpretation) in the definition of "attendance allowance" omit paragraphs (c) and (d).

(4) In regulation 45B(1) (relaxation of the first set of conditions)(**22**) omit "also".

(5) In regulation 55(4) (short periods of sickness) (**23**) for "of the person's entitlement" substitute "beginning with and including the day the person ceased to be entitled".

(6) In regulation 69 (the period of a reduction under Article 21: higher level sanctions)(**24**)—

(a) for paragraph (1) substitute—

"(1) Subject to paragraphs (3) and (4), a reduction under Article 21 (higher level sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with and including the date of the current sanctionable failure	13 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning with and including the date of the current sanctionable failure and	

(**20**) S.R. 1996 No. 198.
(**21**) S.R. 1996 No. 198; regulation 14A was inserted by regulation 2(2) of S.R. 2012 No. 155 and amended by regulation 2 of S.R. 2013 No. 250.
(**22**) Regulation 45B was inserted by regulation 2 of S.R. 2011 No. 434.
(**23**) Paragraph (4) was amended by regulation 4(2) of S.R. 2010 No.347, regulation 7(2) of S.R. 2011 No. 135 and regulation 2(4)(c) of S.R. 2015 No. 138.
(**24**) Regulation 69 is substituted by regulation 2(2) of S.R. 2016 No. 241.

Circumstances in which reduction period applies	*Reduction period*
the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—	
(a) 13 weeks	26 weeks
(b) 26 weeks	78 weeks
(c) 78 weeks	78 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 2 weeks beginning with and including the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is or, but for paragraph (4), would have been—	
(a) 13 weeks	13 weeks
(b) 26 weeks	26 weeks
(c) 78 weeks	78 weeks”;

(b) in paragraph (2)—

(i) at the end of sub-paragraph (a) insert “and”,

(ii) omit sub-paragraph (c) and the “and” preceding it.

(7) In regulation 69A (the period of a reduction under Article 21A: other sanctions)(**25**)—

(a) for paragraph (1) substitute—

“(1) A reduction under Article 21A (other sanctions) in the circumstances described in the first column of the following table is to have effect for the period set out in the second column.

Circumstances in which reduction period applies	*Reduction period*
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (2)	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is not within 52 weeks beginning with and including the date of the current sanctionable failure	4 weeks
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (2) and the date of the most recent previous sanctionable failure is within 52 weeks, but not within 2 weeks, beginning with and including the date of the current sanctionable failure and the period of reduction applicable to the most recent previous sanctionable failure is—	
(a) 4 weeks	13 weeks
(b) 13 weeks	13 weeks

(**25**) Regulation 69A is substituted by regulation 2(2) of S.R. 2016 No. 241.