

SCHEDULES

SCHEDULE 5

Article 41

Universal credit and other working age benefits

General

- 1.—(1) In this Schedule “relevant benefit” means—
- (a) jobseeker's allowance, or
 - (b) employment and support allowance.
- (2) In this Schedule “work-related requirement” means—
- (a) a work-related requirement within the meaning of this Part,
 - (b) a work-related requirement within the meaning of the Jobseekers Order, or
 - (c) a work-related requirement within the meaning of Part 1 of the Welfare Reform Act (Northern Ireland) 2007.
- (3) In this Schedule “sanction” means a reduction of benefit under—
- (a) Article 31 or 32,
 - (b) Article 8J or 8K of the Jobseekers Order (as inserted by Article 55(4) of this Order), or
 - (c) section 11J of the Welfare Reform Act (Northern Ireland) 2007 (as inserted by Article 63(2) of this Order).

Annotations:

Commencement Information

II Sch. 5 para. 1 in operation at 2.5.2016 by [S.R. 2016/215](#), [art. 2\(2\)\(c\)\(vii\)](#)

Dual entitlement

2.—(1) Regulations may make provision as to the amount payable by way of a relevant benefit where a person is entitled to that benefit and universal credit.

(2) Regulations under sub-paragraph (1) may in particular provide for no amount to be payable by way of a relevant benefit.

(3) Regulations may, where a person is entitled to a relevant benefit and universal credit—

- (a) make provision as to the application of work-related requirements;
- (b) make provision as to the application of sanctions.

(4) Provision under sub-paragraph (3)(a) includes in particular—

- (a) provision securing that compliance with a work-related requirement for a relevant benefit is to be treated as compliance with a work-related requirement for universal credit;
- (b) provision disapplying any requirement on the Department to impose, or a person to comply with, a work-related requirement for a relevant benefit or universal credit.

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Welfare Reform (Northern Ireland) Order 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (5) Provision under sub-paragraph (3)(b) includes in particular—
- (a) provision for the order in which sanctions are to be applied to awards of a relevant benefit and universal credit;
 - (b) provision to secure that the application of a sanction to an award of a relevant benefit does not result in an increase of the amount of an award of universal credit.

Annotations:

Commencement Information

I2 Sch. 5 para. 2 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(vii)

Movement between working-age benefits

3. Regulations may provide—
- (a) in a case where a person ceases to be entitled to universal credit and becomes entitled to a relevant benefit, for a sanction relating to the award of universal credit to be applied to the award of the relevant benefit;
 - (b) in a case where a person ceases to be entitled to a relevant benefit and becomes entitled to universal credit, for a sanction relating to the award of the relevant benefit to be applied to the award of universal credit;
 - (c) in a case where a person ceases to be entitled to one relevant benefit and becomes entitled to the other, for a sanction relating to the award of the former to apply to the award of the latter.

Annotations:

Commencement Information

I3 Sch. 5 para. 3 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(vii)

PROSPECTIVE

Hardship payments

4. Regulations under Article 33 (hardship payments) may be made in relation to a person whose award of universal credit is reduced by virtue of regulations under paragraph 2(3)(b) or 3(b) as in relation to a person whose award is reduced under Article 31 or 32.

PROSPECTIVE

Earnings tapers

5. In Article 6 of the Jobseekers Order (amount payable by way of a jobseeker's allowance), in paragraph (1)(b)—

- (a) after “making” insert—
 - “(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and

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(ii)”;

(b) “earnings,” (before “pension payments”) is repealed.

6.—(1) Section 2 of the Welfare Reform Act (Northern Ireland) 2007 (amount of contributory allowance) is amended as follows.

(2) In subsection (1)(c), after “making” insert—

“(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and

(ii)”.

(3) At the end insert—

“(6) In subsection (1)(c)(i) the reference to earnings is to be construed in accordance with sections 3, 4 and 112 of the Contributions and Benefits Act.”

Annotations:

Commencement Information

I4 Sch. 5 para. 6 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(vii)

Status:

This version of this schedule contains provisions that are prospective.

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SR 2016/46, art. 5(a) by [S.R. 2016/166 art. 3](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 50(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 4](#)
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

Commencement Orders yet to be applied to the The Welfare Reform (Northern Ireland) Order 2015

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2018/66 art. 2\(1\)](#) commences ([S.I. 2016/999 \(N.I.\)](#))