
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 220

The Universal Credit, Personal Independence
Payment, Jobseeker's Allowance and
Employment and Support Allowance (Claims and
Payments) Regulations (Northern Ireland) 2016

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016.

(2) For the purpose of personal independence payment these Regulations come into operation on 20th June 2016.

(3) For the purposes of universal credit, jobseeker's allowance and employment and support allowance these Regulations come into operation immediately after the coming into operation of the Universal Credit Regulations.

Interpretation

2.—(1) In these Regulations—

“the 2007 Act” means the Welfare Reform Act (Northern Ireland) 2007(1);

“the 2015 Order” means the Welfare Reform (Northern Ireland) Order 2015;

“the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“appropriate office” means—

- (a) an office of the Department or any other place designated by the Department in relation to any case or class of case as a place to, or at which, any claim, notice, document, evidence or other information may be sent, delivered or received for the purposes of these Regulations and includes a postal address specified by the Department for that purpose; or
- (b) in the case of a person who is authorised or required by these Regulations to use an electronic communication for any purpose, an address to which such communications may be sent in accordance with Schedule 1;

“assessment period” has the meaning given by regulation 22 of the Universal Credit Regulations;

“attendance allowance” means an allowance payable by virtue of section 64 of the Contributions and Benefits Act(2);

“benefit”, except in regulation 55 and Schedules 4 and 5, means universal credit, personal independence payment, a jobseeker’s allowance or employment and support allowance;

“child” has the meaning given by Article 46 of the 2015 Order;

“the Child Support Order” means the Child Support (Northern Ireland) Order 1991;

“claimant” in relation to—

- (a) universal credit, has the meaning given by Article 46 of the 2015 Order;
- (b) personal independence payment, means any person who is a claimant for the purposes of regulations made under Part 5 of that Order;
- (c) a jobseeker’s allowance, has the meaning given by Article 2(2) of the Jobseekers Order(3); and
- (d) an employment and support allowance, has the meaning given by section 24(1) of the 2007 Act;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(4);

“couple” has the meaning given by Article 45 of the 2015 Order;

“disability living allowance” means an allowance payable by virtue of section 71 of the Contributions and Benefits Act(5);

“earned income” has the meaning given by regulation 51 of the Universal Credit Regulations;

“electronic communication” has the meaning given by section 4(1) of the Electronic Communications Act (Northern Ireland) 2001(6);

“employment and support allowance” means an allowance under Part 1 of the 2007 Act (as amended by Schedule 3 and Part 1 of Schedule 12 to the 2015 Order that remove references to an income-related allowance);

“jobseeker’s allowance” means an allowance under the Jobseekers Order (as amended by Part 1 of Schedule 12 to the 2015 Order that removes references to an income-based allowance);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 2016(7);

“the Jobseekers Order” means the Jobseekers (Northern Ireland) Order 1995(8);

“limited capability for work” has the meaning given by section 1(4) of the 2007 Act;

“maternity allowance” means an allowance payable by virtue of section 35 of the Contributions and Benefits Act(9);

(2) Section 64 was amended by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999.

(3) The definition of “claimant” was amended by paragraph 2(2) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999.

(4) 1992 c. 7.

(5) Section 71 was amended by Article 64(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999.

(6) 2001 c. 9 (N.I.); the definition of “electronic communication” was amended by paragraph 170 of Schedule 17 to the Communications Act 2003 (c. 21).

(7) S.R. 2016 No. 218.

(8) S.I. 1995/2705 (N.I. 15).

(9) Section 35 was amended by Article 4(a) of the Still Birth (Definition) (Northern Ireland) Order 1992 (S.I. 1992/1310 (N.I. 10)), Article 63 of the Social Security (Northern Ireland) Order 1998, Article 50(1) and (2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999, paragraph 2 of Schedule 1 to the Social Security Act (Northern Ireland) 2002, paragraph 5 of Schedule 1 to the Work and Families (Northern Ireland) Order 2006 (S.I. 2006/1947 (N.I. 16)), regulation 2(3) of S.R.

“office closure” means a period during which an appropriate office is closed in connection with a public holiday;

“official computer system” means a computer system maintained by or on behalf of the Department to—

- (a) send or receive any claim or information; or
- (b) process or store any claim or information;

“partner” means one of a couple;

“personal independence payment” means the allowance under Part 5 of the 2015 Order;

“the Personal Independence Payment Regulations” means the Personal Independence Payment Regulations (Northern Ireland) 2016⁽¹⁰⁾;

“qualifying young person” has the meaning given by regulation 6 of the Universal Credit Regulations;

“regular and substantial caring responsibilities for a severely disabled person” has the meaning given by regulation 31 of the Universal Credit Regulations;

“universal credit” means the benefit under Part 2 of the 2015 Order;

“the Universal Credit Regulations” means the Universal Credit Regulations (Northern Ireland) 2016⁽¹¹⁾;

“writing” includes writing produced by means of electronic communications used in accordance with Schedule 1.

(2) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954⁽¹²⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(3) 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.

Use of electronic communications

- 3. Schedule 1 makes provision as to the use of electronic communications.

Consequential amendments

- 4. Schedule 2 makes amendments consequential upon these Regulations.

Disapplication of section 1(1A) of the Administration Act

5. Section 1(1A) of the Administration Act⁽¹³⁾ (entitlement to benefit dependent on claim) is not to apply to a child or a qualifying young person in respect of whom universal credit is claimed.

1994 No. 176, regulation 2(3) of S.R. 2014 No. 102 and section 6(2) and (3) of the Work and Families Act (Northern Ireland) 2015 (c. 1).

⁽¹⁰⁾ S.R. 2016 No. 217.

⁽¹¹⁾ S.R. 2016 No. 216.

⁽¹²⁾ 1954 c. 33 (N.I.).

⁽¹³⁾ Subsection (1A) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997.

PART 2

Claims

Claims not required for entitlement to employment and support allowance in certain cases

6.—(1) It is not to be a condition of entitlement to an employment and support allowance that a claim be made for it where—

- (a) the claimant has made and is pursuing an appeal against a relevant decision of the Department; and
- (b) the appeal relates to a decision to terminate or not to award an employment and support allowance for which a claim was made.

(2) In this regulation—

“appellate authority” means an appeal tribunal, a Commissioner, the Court of Appeal or the Supreme Court;

“relevant decision” means—

- (a) a decision that embodies the first determination by the Department that the claimant does not have limited capability for work; or
- (b) a decision that embodies the first determination by the Department that the claimant does not have limited capability for work since a previous determination by the Department or appellate authority that the claimant does have limited capability for work.

Making a claim for universal credit

7.—(1) Except as provided in paragraph (2), a claim for universal credit must be made by means of an electronic communication in accordance with the provisions set out in Schedule 1 and completed in accordance with any instructions given by the Department for that purpose.

(2) A claim for universal credit may be made by telephone call to the telephone number specified by the Department if the claim falls within a class of case for which the Department accepts telephone claims or where, in any other case, the Department is willing to do so.

(3) A claim for universal credit made by means of an electronic communication in accordance with the provisions set out in Schedule 1 is defective if it is not completed in accordance with any instructions of the Department.

(4) A claim made by telephone in accordance with paragraph (2) is properly completed if the Department is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(5) If a claim for universal credit is defective the Department must inform the claimant of the defect and of the relevant provisions of regulation 9 relating to the claim.

(6) The Department must treat the claim as properly made in the first instance if—

- (a) in the case of a claim made by telephone, the person corrects the defect; or
- (b) in the case of a claim made by means of an electronic communication, a claim completed in accordance with any instructions of the Department is received at an appropriate office,

within one month, or such longer period as the Department considers reasonable, from the date on which the claimant is first informed of the defect.

Claims for universal credit by members of a couple

8.—(1) Where a person is a member of a couple and may make a claim as a single person by virtue of regulation 3(2) of the Universal Credit Regulations (couples), but instead makes a claim for universal credit jointly, that claim is to be treated as a claim made by that person as a single person.

(2) Where a claim for universal credit is made jointly by a member (“M1”) of a polygamous marriage with another member of the polygamous marriage (“M2”), that claim is to be treated as a claim made by M1 as a single person where—

- (a) M1 is not a party to an earlier marriage in the polygamous marriage; and
- (b) any party to an earlier marriage is living in the same household as M1 and M2.

(3) In paragraph (2) “polygamous marriage” means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy.

(4) The Department may treat a claim made by members of a couple as single persons as a claim made jointly by the couple where it is determined by the Department that they are a couple.

(5) Where the Department considers that one member of a couple is unable to make a joint claim with the other member of that couple, the other member of the couple may make a claim jointly for both of them.

(6) Where an award of universal credit to joint claimants is terminated because they cease to be a couple an award may be made, without a claim, to either or each one of them—

- (a) as a single person; or
- (b) if either of them has formed a new couple with a person who is already entitled to universal credit, jointly with that person.

(7) Where awards of universal credit to two single claimants are terminated because they form a couple who are joint claimants, it is not to be a condition of entitlement to universal credit that the couple make a claim for it and universal credit may be awarded to them jointly.

(8) A couple who are joint claimants are to be treated as making a claim for universal credit where—

- (a) one of them ceased to be entitled to an award of universal credit (whether as a single person or as a member of a different couple) on the formation of that couple; and
- (b) the other member of the couple did not have an award of universal credit as a single person before formation of the couple,

and the claim is to be treated as made on the day after the member of the couple mentioned in subparagraph (a) ceased to be entitled to universal credit.

(9) In relation to an award which may be made by virtue of paragraph (6) or (7) without a claim being required, a claimant and every person by whom or on whose behalf, sums by way of universal credit are receivable must supply in such manner and at such times as the Department may determine such information or evidence as it may require in connection with the formation or dissolution of a couple.

(10) Where an award of universal credit to joint claimants is terminated because one of them has died it is not to be a condition of entitlement to universal credit that the surviving partner makes a claim for it.

Date of claim for universal credit

9.—(1) Where a claim for universal credit is made, the date on which the claim is made is—

- (a) subject to sub-paragraph (b), in the case of a claim made by means of an electronic communication, in accordance with regulation 7(1), the date on which the claim is received at an appropriate office;
- (b) in the case of a claim made by means of an electronic communication in accordance with regulation 7(1), where the claimant receives assistance at home or at an appropriate office from the Department or a person providing services to the Department which is provided for the purpose of enabling that person to make a claim, the date of first notification of a need for such assistance;
- (c) subject to sub-paragraph (d), in the case of a claim made by telephone in accordance with regulation 7(2), the date on which that claim is properly completed in accordance with regulation 7(4), or
- (d) where the Department is unable to accept a claim made by telephone in accordance with regulation 7(2) on the date of first notification of intention to make the claim, the date of the first notification, provided a claim properly completed in accordance with regulation 7(4) is made within one month of that date,

or the first day in respect of which the claim is made, if later than the above.

(2) In the case of a claim which is defective by virtue of regulation 7, the date of claim is to be the first date on which the defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 7(6).

Making a claim for personal independence payment

10.—(1) A claim for personal independence payment must be made—

- (a) in writing on a form authorised by the Department for that purpose and completed in accordance with the instructions on the form;
- (b) by telephone call to the telephone number specified by the Department; or
- (c) by receipt by the claimant of a telephone call from the Department made for the purpose of enabling a claim for personal independence payment to be made,

unless, in any case or class of case, the Department decides only to accept a claim made in one of the ways specified in sub-paragraph (a), (b) or (c).

(2) In the case of a claim made in writing the claim must be sent to or received at the appropriate office.

(3) A claim for personal independence payment made in writing is defective if it is not completed in accordance with any instructions of the Department.

(4) A claim made by telephone in accordance with paragraph (1) is properly completed if the Department is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(5) If a claim for personal independence payment is defective the Department must inform the claimant of the defect and of the relevant provisions of regulation 11 relating to the date of claim.

(6) The Department must treat the claim as properly made in the first instance if a claim completed in accordance with any instructions of the Department is received within one month, or such longer period as it may consider reasonable, from the date on which the claimant is first informed of the defect.

(7) Paragraph (8) applies where—

- (a) a person (“P1”) makes a claim for personal independence payment on behalf of another person (“P2”) whom P1 asserts to be a person unable for the time being to act; and
- (b) the Department makes a decision not to appoint P1 under regulation 52.

(8) The Department must treat the claim made by P1 as properly made by P2 in the first instance if a further claim made by P2 is received within one month or such longer period as the Department may consider reasonable, from the date the Department notified the decision not to appoint P1 under regulation 52.

Date of claim for personal independence payment

11.—(1) Subject to paragraph (4), where a claim for personal independence payment is made in accordance with regulation 10 the date on which the claim is made is—

- (a) in the case of a claim in writing made by means of an electronic communication in accordance with the provisions set out in Schedule 1, the date on which the claim is received at the appropriate office;
- (b) in the case of a claim made by telephone, the date on which that claim is properly completed in accordance with regulation 10(4); or
- (c) where a person first notifies an intention to make a claim and provided that a claim made in writing produced other than by means of an electronic communication is properly completed and received at the appropriate office designated by the Department within one month or such longer period as it considers reasonable of the date of first notification, the date of first notification,

or the first day in respect of which the claim is made, if later than the above.

(2) In the case of a claim which is defective by virtue of regulation 10(3) or (4)—

- (a) subject to sub-paragraph (b) and paragraph (4), the date of claim is to be the first date on which the defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 10(6);
- (b) the date of claim is to be the date of first notification of an intention to make a claim where a claim made by a person to whom paragraph (1)(c) applies is defective but is treated as properly made in the first instance in accordance with regulation 10(6).

(3) In the case of a claim which is treated as properly made by the claimant in accordance with regulation 10(8), the date on which the claim is made is the date on which it was received in the first instance.

(4) Where a further claim made by a person (“P2”) in the circumstances set out in regulation 10(8) is defective and that further claim is treated as properly made in the first instance in accordance with regulation 10(6), the date of claim is to be the date on which the claim made by the person (“P1”) whom the Department decided not to appoint under regulation 52 was received in the first instance.

(5) In a case where the Department decides not to award personal independence payment following a claim for it being made on behalf of another expressly on the ground of terminal illness (which has the meaning given by Article 87(4) of the 2015 Order), the date of claim is to be—

- (a) the date that claim was made if a further claim, made in accordance with regulation 10, is received within one month, or such longer period as the Department may consider reasonable, from the date the Department notified the decision not to award personal independence payment on the ground of terminal illness; or
- (b) the date that claim was made where the further claim is defective but is treated as properly made in the first instance in accordance with regulation 10(6).

Making a claim for an employment and support allowance by telephone

12.—(1) Except where the Department directs in any case or class of case that a claim must be made in writing, a claim for an employment and support allowance may be made by telephone call to the telephone number specified by the Department.

(2) Where the Department, in any particular case, directs that the person making the claim approves a written statement of the person's circumstances provided for the purpose by the Department, a telephone claim is not a valid claim unless the person complies with the direction.

(3) A claim made by telephone in accordance with paragraph (1) is properly completed if the Department is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(4) Where a telephone claim is defective, the Department must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 13.

(5) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (3) and does so within one month, or such longer period as the Department considers reasonable, of the date the Department first drew attention to the defect, the Department must treat the claim as if it had been properly made in the first instance.

Date of claim for an employment and support allowance where claim made by telephone

13. In the case of a telephone claim, the date on which the claim is made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies the Department of an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Department considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 12(5),

or the first day in respect of which the claim is made, if later than the above.

Making a claim for an employment and support allowance in writing

14.—(1) A claim for an employment and support allowance may be made to the Department in writing on a form authorised by the Department for that purpose and must be completed in accordance with the instructions on the form.

(2) A written claim for an employment and support allowance, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(3) If a written claim is defective when first received, the Department must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 15.

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Department considers reasonable, of the date it first drew attention to the defect, the Department must treat the claim as if it had been properly made in the first instance.

Date of claim for an employment and support allowance where claim made in writing

15. In the case of a written claim for an employment and support allowance, the date on which the claim is made is to be the first date on which—

- (a) a properly completed claim is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month, or such longer period as the Department considers reasonable, of first notification; or

(c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 14(4),

or the first day in respect of which the claim is made, if later than the above.

Claims for an employment and support allowance where no entitlement to statutory sick pay

16.—(1) Paragraph (2) applies to a claim for an employment and support allowance for a period of limited capability for work in relation to which the claimant gave the claimant’s employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982⁽¹⁴⁾ (time and manner of notification of incapacity for work), and for which the claimant has been informed in writing by the employer that there is no entitlement to statutory sick pay.

(2) A claim to which this paragraph applies is to be treated as made on the date accepted by the claimant’s employer as the first day of incapacity, provided that the claimant makes the claim within the period of 3 months beginning with the day on which the claimant is informed in writing by the employer that the claimant was not entitled to statutory sick pay.

Special provisions where it is certified that a woman is expected to be confined or where she has been confined

17.—(1) Where in a certificate issued or having effect as issued under the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976⁽¹⁵⁾ it has been certified that it is to be expected that a woman will be confined and she makes a claim for maternity allowance in expectation of that confinement, any such claim may, unless the Department otherwise directs, be treated as a claim for an employment and support allowance, made in respect of any days in the period beginning with either—

- (a) the beginning of the 6th week before the expected week of confinement; or
- (b) the actual date of confinement,

whichever is the earlier, and ending in either case on the 14th day after the actual date of confinement.

(2) Where, in a certificate issued under the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976, it has been certified that a woman has been confined and she claims maternity allowance within 3 months of the date of her confinement, her claim may be treated in the alternative or in addition as a claim for an employment and support allowance for the period beginning with the date of her confinement and ending 14 days after that date.

Making a claim for a jobseeker’s allowance: attendance at an appropriate office

18. A person wishing to make a claim for a jobseeker’s allowance, unless the Department otherwise directs, is required to attend for the purpose of making a claim for that allowance, in person at an appropriate office or such other place, and at such time, as the Department may specify in that person’s case.

Date of claim where a person claiming a jobseeker’s allowance is required to attend at an appropriate office

19.—(1) Subject to regulation 28(6), where a person is required to attend in accordance with regulation 18, if the person subsequently attends for the purpose of making a claim for a jobseeker’s allowance at the place and time specified by the Department and, if so requested, provides a properly completed claim form at or before the time when the person is required to attend, the claim is to be

⁽¹⁴⁾ S.R. 1982 No. 263; regulation 7 was amended by regulation 2(b) of S.R. 1984 No. 91 and regulation 3(3) of S.R. 1996 No. 108.
⁽¹⁵⁾ S.R. 1976 No. 175.

treated as made on whichever is the later of the date of first notification of intention to make that claim or the first day in respect of which the claim is made.

(2) Where a person who is required to attend in accordance with regulation 18 without good cause fails to attend at either the place or time specified in that person's case, or does not, if so requested, provide a properly completed claim form at or before the time when the person is required to attend, the claim is to be treated as made on the first day on which the person does attend at the specified place or time or does provide a properly completed claim form, or if later the first day in respect of which the claim is made.

(3) The Department may direct that the time for providing a properly completed claim form may be extended to a date no later than the date one month after the date of first notification of intention to make that claim.

Making a claim for a jobseeker's allowance in writing

20.—(1) Except where a person is required to attend in accordance with regulation 18, a claim for a jobseeker's allowance may be made in writing on a form authorised by the Department for that purpose and may be delivered or sent to the Department at an appropriate office.

(2) A claim made in accordance with paragraph (1) must be completed in accordance with the instructions on the form.

(3) A written claim for a jobseeker's allowance made under this regulation or regulation 19, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(4) If a written claim made under this regulation is defective when first received, the Department must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 21.

(5) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (3) and does so within one month, or such longer period as the Department considers reasonable, from the date it first drew attention to the defect, the claim must be treated as having been properly made in the first instance.

Date of claim for a jobseeker's allowance where claim made in writing

21. Subject to regulation 28(6), in the case of a written claim for jobseeker's allowance made under regulation 20, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a properly completed claim form is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month or such longer period as the Department considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 20(5),

or the first day in respect of which the claim is made, if later than the above.

Making a claim for a jobseeker's allowance by telephone

22.—(1) Except where a person is required to attend in accordance with regulation 18, or where the Department in any case directs that the claim must be made in writing in accordance with regulation 20, a claim for a jobseeker's allowance may be made by telephone call to the telephone number specified by the Department where such a claim falls within a class of case for which the Department accepts telephone claims or in any other case where it is willing to do so.

(2) A claim made by telephone in accordance with paragraph (1) is properly completed if the Department is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(3) Where a telephone claim is defective, the Department must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 23.

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Department considers reasonable, of the date it first drew attention to the defect, the Department must treat the claim as if it had been properly made in the first instance.

Date of claim for a jobseeker's allowance where claim made by telephone

23. Subject to regulation 28(6), in the case of a telephone claim made under regulation 22, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Department considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 22(4),

or the first day in respect of which the claim is made, if later than the above.

Interchange with claims for other benefits

24.—(1) The Department may treat a claim for an employment and support allowance by a woman in addition or in the alternative as a claim for a maternity allowance.

(2) The Department may treat a claim for a maternity allowance in addition or in the alternative as a claim for an employment and support allowance.

(3) Where it appears that a person who has made a claim for personal independence payment is not entitled to it but may be entitled to disability living allowance or attendance allowance, the Department may treat any such claim alternatively, or in addition, as a claim for either disability living allowance or attendance allowance, as the case may be.

(4) Where it appears that a person who has made a claim for disability living allowance or attendance allowance is not entitled to it but may be entitled to personal independence payment, the Department may treat any such claim alternatively, or in addition, as a claim for personal independence payment.

(5) In determining whether the Department should treat a claim as made alternatively or in addition to another claim (“the original claim”) under this regulation it must treat the alternative or additional claim, whenever made, as having been made at the same time as the original claim.

Time within which a claim to universal credit is to be made

25.—(1) Subject to the following provisions of this regulation, a claim for universal credit must be made on the first day of the period in respect of which the claim is made.

(2) Where the claim for universal credit is not made within the time specified in paragraph (1), the Department is to extend the time for claiming it, subject to a maximum extension of one month, to the date on which the claim is made, if—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and

- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (3) The circumstances referred to in paragraph (2) are—
- (a) the claimant was previously in receipt of a jobseeker's allowance or an employment and support allowance and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the claimant's entitlement expired;
 - (b) the claimant has a disability;
 - (c) the claimant has supplied the Department with medical evidence that satisfies the Department that the claimant had an illness that prevented the claimant from making a claim;
 - (d) the claimant was unable to make a claim in writing by means of an electronic communication used in accordance with Schedule 1 because the official computer system was inoperative;
 - (e) where—
 - (i) the Department decides not to award universal credit to members of a couple jointly because one of the couple does not meet the basic condition in Article 9(1)(e) of the 2015 Order,
 - (ii) they cease to be a couple, and
 - (iii) the person who did meet the basic condition in Article 9(1)(e) of the 2015 Order makes a further claim as a single person;
 - (f) where—
 - (i) an award of universal credit to joint claimants has been terminated because one of the couple does not meet the basic condition in Article 9(1)(e) of the 2015 Order,
 - (ii) they cease to be a couple, and
 - (iii) the person who did meet the basic condition in Article 9(1)(e) of the 2015 Order makes a further claim as a single person.
- (4) In the case of a claim for universal credit made by each of joint claimants, the prescribed time for claiming is not to be extended under paragraph (2) unless both claimants satisfy that paragraph.
- (5) In the case of a claim for universal credit referred to in regulation 22(7) of the Universal Credit Regulations (assessment periods) the claim for universal credit must be made before the end of the assessment period in respect of which it is made.

Time within which a claim to a personal independence payment is to be made

26. A claim for personal independence payment must be made on the first day of the period in respect of which the claim is made.

Time within which a claim for an employment and support allowance is to be made

27. A claim for an employment and support allowance must be made on the first day of the period in respect of which the claim is made or within the period of 3 months immediately following that day.

Time within which a claim for a jobseeker's allowance is to be made

28.—(1) Subject to paragraphs (2) and (4), a claim for a jobseeker's allowance must be made on the first day of the period in respect of which the claim is made.

(2) In a case where the claim is not made within the time specified in paragraph (1), the Department is to extend the time for claiming a jobseeker's allowance, subject to a maximum extension of 3 months, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
 - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (3) The circumstances referred to in paragraph (2) are—
- (a) the claimant has difficulty communicating because—
 - (i) the claimant has learning, language or literacy difficulties, or
 - (ii) the claimant is deaf or blind,and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;
 - (b) the claimant was caring for a person who is ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;
 - (c) the claimant was given information by an officer of the Department which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
 - (d) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, a Health and Social Care trust or a person working in a Citizens Advice Bureau or a similar advice agency, which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
 - (e) the claimant was required to deal with a domestic emergency affecting the claimant and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim; or
 - (f) the claimant was prevented by adverse weather conditions from attending an appropriate office.

(4) In a case where the claim is not made within the time specified in paragraph (1), the prescribed time for claiming a jobseeker's allowance is to be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (5) applies or has applied to the claimant; and
 - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (5) The circumstances referred to in paragraph (4) are—
- (a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;
 - (b) the claimant was unable to attend the appropriate office due to difficulties with the claimant's normal mode of transport and there was no reasonable alternative available;
 - (c) there were adverse postal conditions;
 - (d) the claimant was previously in receipt of an employment and support allowance and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the entitlement expired;
 - (e) the claimant had ceased to be a member of a couple within the period of one month before the claim was made;

- (f) during the period of one month before the claim was made a close relative of the claimant had died and for this purpose “close relative” means a partner, parent, son, daughter, brother or sister;
 - (g) the claimant was unable to make telephone contact with the appropriate office because the telephone lines to that office were busy or inoperative;
 - (h) the claimant was unable to make contact by means of an electronic communication used in accordance with Schedule 1 because the official computer system was inoperative.
- (6) In a case where the time for claiming a jobseeker’s allowance is extended under paragraph (2) or (4), the claim is to be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of those paragraphs, timeously made.

Amendment of claim

29.—(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at an appropriate office, by telephone call to the telephone number specified by the Department or in such other manner as the Department may decide or accept.

(2) Any claim amended in accordance with paragraph (1) may be treated as if it had been so amended in the first instance.

Withdrawal of claim

30.—(1) A person who has made a claim for benefit may withdraw it any time before a determination has been made on it by notice in writing received at an appropriate office, by telephone call to the telephone number specified by the Department or in such other manner as the Department may decide or accept.

(2) Any notice of withdrawal given in accordance with paragraph (1) has effect when it is received.

Advance claim for and award of universal credit

31.—(1) This regulation applies where—

- (a) although a person does not satisfy the conditions of entitlement to universal credit on the date on which a claim is made, the Department is of the opinion that unless there is a change of circumstances that person will satisfy those conditions for a period beginning on a day not more than one month after the date on which the claim is made; and
- (b) the case falls within a class for which the Department accepts advance claims or is a case where it is otherwise willing to do so.

(2) The Department is to treat the claim as if made on the first day of that period.

(3) The Department may award universal credit accordingly, subject to the requirement that the person satisfies the conditions for entitlement on the first day of that period.

Advance claim for and award of personal independence payment

32.—(1) Where, although a person does not satisfy the requirements for entitlement to personal independence payment on the date on which the claim is made, the Department is of the opinion that unless there is a change of circumstances the person will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than 3 months after the date on which the decision on the claim is made, it may award personal independence payment from the relevant day subject to the condition that the person satisfies the requirements for entitlement on the relevant day.

(2) A person who has an award of personal independence payment may make a further claim for personal independence payment during the period of 6 months immediately before the existing award expires.

(3) Where a person makes a claim in accordance with paragraph (2) the Department may—

- (a) treat the claim as if made on the first day after the expiry of the existing award; and
- (b) award personal independence payment accordingly, subject to the condition that the person satisfies the requirements for entitlement on that first day after the expiry of the existing award.

Advance claim for and award of an employment and support allowance or a jobseeker's allowance

33. Where, although a person does not satisfy the requirements of entitlement to an employment and support allowance or a jobseeker's allowance on the date on which a claim is made, the Department is of the opinion that unless there is a change of circumstances that claimant will satisfy those requirements for a period beginning on a day ("the relevant day") not more than 3 months after the date on which the claim is made, then the Department may—

- (a) treat the claim as if made for a period beginning with the relevant day; and
- (b) award an employment and support allowance or a jobseeker's allowance accordingly, subject to the condition that the person satisfies the requirements for entitlement when those benefits become payable under an award.

Attendance in person

34. Except in a case where regulation 9 of the Personal Independence Payment Regulations (claimant may be called for a consultation to determine whether the claimant has limited or severely limited ability to carry out activities) applies, every person who makes a claim for benefit, other than a jobseeker's allowance, or any person entitled to benefit, other than a jobseeker's allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable, must attend at such place and on such days and at such times as the Department may direct, for the purpose of supplying any information or evidence under regulations 36 to 38, if reasonably so required by the Department.

Duration of awards

35.—(1) A claim for universal credit is to be treated as made for an indefinite period and any award of universal credit on that claim is to be made for an indefinite period.

(2) The provisions of Schedule 3 are to have effect in relation to claims for a jobseeker's allowance made during periods connected with public holidays.

PART 3

Evidence, information and notification of changes of circumstances

Evidence and information in connection with a claim

36.—(1) Subject to regulation 8 of the Personal Independence Payment Regulations (information or evidence required for determining limited or severely limited ability to carry out activities), paragraphs (2) and (3) apply to a person who makes a claim for benefit, other than a jobseeker's allowance, or on whose behalf a claim is made.

(2) The Department may require the person to supply information or evidence in connection with the claim, or any question arising out of it, as it considers appropriate.

(3) The person must supply the Department with the information or evidence in such manner as the Department determines within one month of first being required to do so or such longer period as it considers reasonable.

(4) Where joint claimants have made a claim for universal credit, information relating to that claim may be supplied by the Department to either or both members of the couple for any purpose connected with the claim.

(5) Where a person is a member of a couple and may make a claim as a single person by virtue of regulation 3(2) of the Universal Credit Regulations (couples) and entitlement to or the amount of any universal credit is or may be affected by the circumstances of their partner, the Department may require the partner to—

- (a) confirm the information given about the partner's circumstances;
- (b) supply information or evidence in connection with the claim, or any question arising out of it, as the Department may require,

within one month of being required to do so or such longer period as it may consider reasonable.

(6) The Department may require a landlord to supply information or evidence in connection with a claim for universal credit that may include in the calculation of an award an amount in respect of housing costs, and any information or evidence so requested must be supplied within one month of the request or such longer period as the Department considers reasonable.

(7) Every person providing relevant childcare (as defined in regulation 37 of the Universal Credit Regulations), in a case where the claimant's award of universal credit may include an amount in respect of childcare costs under regulation 32 of those Regulations, must supply such information or evidence in connection with the claim made by the claimant, or any question arising out of it, as may be required by the Department, and must do so within one month of being required to do so or such longer period as it may consider reasonable.

(8) In this regulation any reference to a person or joint claimants making a claim for benefit, other than a jobseeker's allowance, is to be interpreted as including a person or joint claimants in a case where it is not a condition of entitlement to benefit that a claim be made for it.

(9) In this regulation any reference to a claim for a benefit, other than a jobseeker's allowance, is to be interpreted as including a potential award of benefit in a case where it is not a condition of entitlement to benefit that a claim be made for it.

Evidence and information in connection with an award

37.—(1) This regulation, apart from paragraph (7), applies to any person entitled to benefit, other than a jobseeker's allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable.

(2) Subject to regulation 8 of the Personal Independence Payment Regulations, a person to whom this regulation applies must supply in such manner as the Department may determine and within the period applicable under regulation 44(4)(a) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016⁽¹⁶⁾ such information or evidence as the Department may require for determining whether a decision on the award of benefit should be revised under Article 10 of the Social Security (Northern Ireland) Order 1998⁽¹⁷⁾ or superseded under Article 11 of that Order.

⁽¹⁶⁾ S.R. 2016 No. 221.

⁽¹⁷⁾ S.I. 1998/1506 (N.I. 10); Article 11 was amended by paragraph 17 of Schedule 6 and Schedule 9 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671).

(3) A person to whom this regulation applies must supply in such manner and at such times as the Department may determine such information or evidence as the Department may require in connection with payment of the benefit awarded.

(4) A person to whom this regulation applies must notify the Department of any change of circumstances which the person might reasonably be expected to know might affect—

- (a) the continuance of entitlement to benefit;
- (b) the amount of benefit awarded; or
- (c) the payment of benefit,

as soon as reasonably practicable after the change occurs.

(5) A notification of any change of circumstances under paragraph (4) must be given—

- (a) in writing or by telephone (unless the Department determines in any case that notice must be given in a particular way or to accept notice given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case the Department requires written notice (unless it determines in any case to accept notice given otherwise than in writing),

and must be sent or delivered to, or received at, the appropriate office.

(6) Where universal credit has been awarded to joint claimants, information relating to that award may be supplied by the Department to either or both members of the couple for any purpose connected with that award.

(7) Every person providing relevant childcare (as defined in regulation 37 of the Universal Credit Regulations), in a case where the claimant's award of universal credit includes an amount in respect of childcare costs under regulation 32 of those Regulations, must supply such information or evidence in connection with the award, or any question arising out of it, as the Department may require, and must do so within one month of being required to do so or such longer period as it may consider reasonable.

(8) Where the calculation of an award of universal credit includes, by virtue of regulation 30 of the Universal Credit Regulations, an amount in respect of the fact that a claimant has regular and substantial caring responsibilities for a severely disabled person, the Department may require a person to whom this regulation applies to furnish a declaration signed by such severely disabled person confirming the particulars respecting the severely disabled person which have been given by that person.

Evidence and information required from pension fund holders

38.—(1) Where a claimant or the claimant's partner is aged not less than 60 and is a member of, or a person deriving entitlement to a pension under a personal pension scheme, or an occupational pension scheme, such a person must, where the Department so requires, furnish the following information—

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme or occupational pension scheme to be identified.

(2) Where the pension fund holder receives from the Department a request for details concerning the personal pension scheme or occupational pension scheme relating to a person to whom paragraph (1) refers, the pension fund holder must provide the Department with any information to which paragraph (3) refers.

(3) The information to which this paragraph refers is—

- (a) where the purchase of an annuity under a personal pension scheme or occupational pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme or occupational pension scheme;
- (b) in the case of—
- (i) a personal pension scheme or occupational pension scheme where income withdrawal is available, the maximum amount of income which may be withdrawn from the scheme, or
 - (ii) a personal pension scheme or occupational pension scheme where income withdrawal is not available, the maximum amount of income which might be withdrawn from the fund if the fund were held under a personal pension scheme or occupational pension scheme where income withdrawal was available,
- calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.
- (4) In this regulation any reference to a claimant is to be interpreted as including a person in a case where it is not a condition of entitlement to benefit that a claim be made for it.
- (5) This regulation does not apply to a person claiming personal independence payment.
- (6) In this regulation—
- “pension fund holder” means, with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators of the scheme concerned;
- “personal pension scheme” means—
- (a) a personal pension scheme as defined by section 1 of the Pensions Schemes (Northern Ireland) Act 1993⁽¹⁸⁾;
 - (b) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988⁽¹⁹⁾ or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004⁽²⁰⁾;
 - (c) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;
- “occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases.

Notification of changes of circumstances for purposes of sections 105A and 106 of the Administration Act

39.—(1) This regulation prescribes the person to whom, and manner in which, a change of circumstances must be notified for the purpose of sections 105A(1A) to (1G) and 106(1A) to (1F) of the Administration Act⁽²¹⁾ (offences relating to failure to notify a change of circumstances).

⁽¹⁸⁾ 1993 c. 49; the definition of “personal pension scheme” was substituted by Article 216(3) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) and amended by Part 3(2) of Schedule 27 to the Finance Act 2007 (c. 11).

⁽¹⁹⁾ 1988 c. 1; sections 620 to 622 were repealed by Part 3 of Schedule 42 to the Finance Act 2004 (c. 12) subject to savings provisions in Schedule 36 to that Act.

⁽²⁰⁾ 2004 c. 12.

⁽²¹⁾ Section 105A was inserted by Article 12 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)) and subsections (1A) to (1G) were inserted by section 15(1)(b) of the Social Security Fraud Act (Northern Ireland) Act 2001 (c. 17 (N.I.)), in section 106 subsection (1A) was inserted by Article 12 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 and subsections (1A) to (1F) were substituted for that subsection by section 15(2) of the Social Security Fraud Act (Northern Ireland) 2001.

(2) Subject to paragraph (3), notice of a change of circumstances must be given to the Department at the appropriate office—

- (a) in writing or by telephone (unless the Department determines in any case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case the Department requires written notice (unless it determines in any case to accept notice given otherwise than in writing).

(3) Where the notice in writing referred to in paragraph (2) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 1.

PART 4

Payments

Time of payment; general provision

40. Subject to the other provisions of this Part, benefit is to be paid in accordance with an award as soon as is reasonably practicable after the award has been made.

Direct credit transfer

41.—(1) The Department may arrange for benefit to be paid by way of direct credit transfer into a bank or other account nominated by the person entitled to benefit, a person acting on that person's behalf under regulation 52(1) or a person referred to in regulation 52(2).

(2) A jobseeker's allowance or an employment and support allowance is to be paid in accordance with paragraph (1) within 7 days of the last day of each successive period of entitlement.

Payment of universal credit

42.—(1) Universal credit is payable in arrears by two instalments each month in respect of each assessment period unless, in any case or class of case, the Department arranges otherwise.

(2) Where universal credit is to be paid in accordance with regulation 41—

- (a) the first of those instalments is to be paid within 7 days of the last day of the assessment period but if it is not possible to pay that instalment within that period of 7 days, it is to be paid as soon as reasonably practicable thereafter; and
- (b) the second of those instalments is to be paid within 22 days of the last day of the assessment period but if it is not possible to pay that instalment within that period of 22 days, it is to be paid as soon as reasonably practicable thereafter.

(3) In respect of an award of universal credit which is the subject of an arrangement for payment under regulation 41, the Department may make a particular payment by credit transfer otherwise than is provided by paragraph (2), if it appears to it appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(4) Where the Department has arranged for universal credit to be paid in accordance with regulation 41, joint claimants may nominate a bank or other account into which that benefit is to be paid.

(5) Where joint claimants of universal credit have not nominated a bank or other account into which that benefit is to be paid, the Department may nominate a bank or other account.

- (6) The Department may, in any case where the Department considers it is in the interests of—
- (a) the claimants;
 - (b) a child or a qualifying young person for whom one or both of the claimants are responsible; or
 - (c) a severely disabled person, where the calculation of an award of universal credit includes, by virtue of regulation 30 of the Universal Credit Regulations, an amount in respect of the fact that a claimant has regular and substantial caring responsibilities for that severely disabled person,

arrange that universal credit payable in respect of joint claimants be paid wholly to only one member of the couple or be split between the couple in such proportion as the Department considers appropriate.

(7) Where a superseding decision takes effect in accordance with paragraph 26 of Schedule 1 to the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016, the amount payable in respect of that last 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.

Payment of personal independence payment

43.—(1) Subject to the following provisions of this regulation and regulation 45, personal independence payment is to be paid at intervals of 4 weeks in arrears.

(2) In the case of any person to whom Article 87 of the 2015 Order (terminal illness) applies, the Department may arrange that personal independence payment is to be paid at intervals of one week in advance.

(3) Where the amount of personal independence payment payable is less than £5.00 a week the Department may arrange that it is to be paid in arrears at such intervals as may be specified not exceeding 12 months.

Days for payment of personal independence payment

44.—(1) Subject to the following provisions of this regulation, a personal independence payment is payable on the day of the week on which the Department makes a decision to award that benefit, except that where that decision is made on a Saturday or Sunday the benefit is to be paid on such day of the week as the Department may direct in any case.

(2) The Department may, in any case or class of case, arrange that personal independence payment or any part of it be paid on any day of the week.

(3) Where personal independence payment is in payment to any person and the day on which it is payable is changed, it is to be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(4) Where there is a change in the amount of any personal independence payment payable, or where entitlement to personal independence payment ends, and these events do not occur on the day of the week referred to in paragraph (1) or (2), personal independence payment is to be paid at a daily rate of 1/7th of the weekly rate.

Payment of personal independence payment at a daily rate between periods in hospital or other accommodation

45.—(1) Personal independence payment is to be paid in respect of any person, for any day falling within a period to which paragraph (2) applies, at the daily rate (which is to be equal to 1/7th of the weekly rate) and personal independence payment payable in pursuance of this regulation is to be paid weekly or as the Department may direct in any case.

- (2) This paragraph applies to any period which is not a period of residence—
- (a) but which commences immediately following such a period; and
 - (b) on the first day of which it is expected that, before the expiry of the term of 28 days beginning with that day, the person will commence another period of residence.
- (3) Where paragraph (2) applies, the period referred to in that paragraph is to end—
- (a) at the expiry of the term of 28 days beginning with the first day of the period referred to in that paragraph; or
 - (b) if earlier, on the day before the day which is the first day of a period of residence.
- (4) In this regulation a “period of residence” means a period of residence where—
- (a) the person is a resident of a care home (as defined in Article 90(3) of the 2015 Order) and no amount of personal independence payment which is attributable to the daily living component is payable in respect of the person by virtue of regulation 28(1) of the Personal Independence Payment Regulations; or
 - (b) the person is undergoing medical or other treatment as an in-patient at a hospital or similar institution and no amount of personal independence payment which is attributable to the daily living component or the mobility component is payable in respect of the person by virtue of regulation 29 of the Personal Independence Payment Regulations,

and such period is to be deemed to begin on the day after the day on which the person enters the care home, hospital or similar institution and to end on the day before the day on which the person leaves the care home, hospital or similar institution.

Payment of an employment and support allowance

46.—(1) Subject to paragraphs (3) to (8), an employment and support allowance paid in accordance with regulation 41 is to be paid fortnightly in arrears on the day of the week determined in accordance with paragraph (2).

(2) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the claimant’s national insurance number—

<i>Column (1)</i>	<i>Column (2)</i>
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

(3) The Department may, in any case or class of case, arrange that the claimant be paid otherwise than fortnightly.

(4) In respect of an award of an employment and support allowance which is the subject of an arrangement for payment under regulation 41, the Department may make a particular payment by credit transfer otherwise than as provided by paragraph (1), if it appears to the Department appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(5) The Department may, in any case or class of case, arrange that an employment and support allowance be paid on any day of the week and where it is in payment to any person and the day on which it is payable is changed, it is to be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(6) Where the weekly amount of employment and support allowance is less than £1·00 it may be paid in arrears at intervals of not more than 13 weeks.

(7) Where the weekly amount of employment and support allowance is less than 10 pence that allowance is not payable.

(8) Where employment and support allowance is normally payable in arrears and the day on which that benefit is payable by reason of paragraph (2) is affected by office closure, it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such day as the Department may direct.

(9) Where, under paragraph (8), an employment and support allowance is paid either in advance or partly in advance and partly in arrears it is for any other purpose to be treated as if it was paid in arrears.

(10) For the purposes of paragraph (8) “benefit week” means a period of 7 days beginning or ending with such day as the Department may direct.

Payment of a jobseeker’s allowance

47.—(1) Subject to paragraphs (2) to (4), a jobseeker’s allowance paid in accordance with regulation 41 is to be paid fortnightly in arrears unless in any case or class of case the Department arranges otherwise.

(2) In respect of an award of a jobseeker’s allowance which is the subject of an arrangement for payment under regulation 41, the Department may make a particular payment by credit transfer otherwise than as provided by paragraph (1), if it appears to the Department appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(3) Where the weekly amount of a jobseeker’s allowance is less than £1·00 the Department may direct that it is to be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(4) Where a jobseeker’s allowance is normally payable in arrears and the day on which that benefit is normally payable is affected by office closure, it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such day as the Department may direct.

(5) Where under paragraph (4) a jobseeker’s allowance is paid either in advance or partly in advance and partly in arrears it is for any other purposes to be treated as if it was paid in arrears.

(6) For the purposes of paragraph (4) “benefit week” means a period of 7 days ending with a day determined in accordance with the definition of that term in regulation 2(2) of the Jobseeker’s Allowance Regulations (general interpretation).

Fractional amounts of benefit

48. Where the amount of any benefit payable would, but for this regulation, include a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and is otherwise to be treated as a penny.

Payments to persons under age 18

49. Where a benefit is paid to a person under the age of 18, a direct credit transfer under regulation 41 into any such person's account, or the receipt by the person of a payment made by some other means, is sufficient discharge for the Department.

Extinguishment of right to payment if payment is not obtained within the prescribed period

50.—(1) The right to payment of any sum by way of benefit is to be extinguished where payment of that sum is not obtained within the period of 12 months from the date on which the right is to be treated as having arisen.

(2) For the purposes of this regulation, the right to payment of any sum by way of benefit is to be treated as having arisen—

- (a) where notice is given or sent that the sum contained in the notice is ready for collection, on the date of the notice or, if more than one such notice is given or sent, the date of the first such notice;
- (b) in relation to any such sum which the Department has arranged to be paid by means of direct credit transfer in accordance with regulation 41 into a bank or other account, on the due date for payment of the sum or in the case of universal credit on the date of payment of the sum; or
- (c) in relation to any such sum to which neither sub-paragraph (a) or (b) applies, on such date as the Department determines.

(3) The giving or sending of a notice under paragraph (2)(a) is effective for the purposes of that paragraph, even where the sum contained in that notice is more or less than the sum which the person concerned has the right to receive.

(4) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this regulation and the Department is satisfied that—

- (a) the Department first received written notice requesting payment of that sum after the expiration of 12 months from the date on which the right is treated as having arisen;
- (b) from a day within that period of 12 months and continuing until the day the written notice was given, there was good cause for not giving the notice; and
- (c) no payment has been made under the provisions of regulation 41,

the period of 12 months is extended to the date on which the Department decides that question, and this regulation is to apply accordingly as though the right to payment had arisen on that date.

(5) This regulation applies to a person appointed under regulation 52(1) to act on behalf of a claimant or a person referred to in regulation 52(2) as it applies to a claimant.

Payments on death

51.—(1) On the death of a person who has made a claim for benefit, the Department may appoint such person as it thinks fit to proceed with the claim and any related issue of revision, supersession or appeal under the Social Security (Northern Ireland) Order 1998(22).

(2) Subject to paragraphs (6) and (7), any sum payable by way of benefit which is payable under an award on a claim proceeded with under paragraph (1) may be paid or distributed by the Department to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin or creditors of the deceased and the provisions of regulation 50 are to apply to any such payment or distribution.

(3) Subject to paragraphs (2), (6) and (7), any sum payable by way of benefit to the deceased, payment of which the deceased had not obtained at the date of the deceased's death, may, unless the right to payment was already extinguished at that date, be paid or distributed to or amongst any persons mentioned in paragraph (2), and regulation 50 is to apply to any such payment or distribution, except that, for the purpose of that regulation, the period of 12 months is to be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.

(4) A direct credit transfer under regulation 41 into an account in the name of any person mentioned in paragraph (2), or the receipt by such a person of a payment made by some other means, is sufficient discharge for the Department for any sum so paid.

(5) Where the Department is satisfied that any sum payable by way of benefit under paragraph (2) or (3), or part of it, is needed for the well-being of any person under the age of 16, the Department may obtain sufficient discharge for it by paying the sum, or part of it, to a person over that age who satisfies the Department that that person will apply the sum so paid for the well-being of the person under the age of 16.

(6) Paragraphs (2) and (3) are not to apply in any case unless written application for the payment of any such sum is made to the Department within 12 months from the date of the deceased's death or within such longer period as it may allow in any case.

(7) The Department may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

(8) In paragraph (2) "next of kin" means the persons who would take beneficially on an intestacy.

PART 5

Third Parties

Persons unable to act

52.—(1) Where a person ("P1") is, or may be, entitled to benefit (whether or not a claim for benefit has been made by P1 or on P1's behalf) but P1 is unable for the time being to act, the Department may, if all the conditions in paragraph (2) and the additional conditions in paragraph (3) are met, appoint a person ("P2") to carry out the functions set out in paragraph (4).

(2) The conditions are that—

- (a) no controller has been appointed by the High Court under Part VIII of the Mental Health (Northern Ireland) Order 1986⁽²³⁾ with power to claim or receive benefit on P1's behalf; and
- (b) no attorney with a general power, or a power to claim or receive benefit, has been appointed by P1 under the Powers of Attorney Act (Northern Ireland) 1971⁽²⁴⁾, the Enduring Powers of Attorney (Northern Ireland) Order 1987⁽²⁵⁾ or otherwise.

(3) The additional conditions are that—

⁽²³⁾ S.I. 1986/595 (N.I. 4).

⁽²⁴⁾ 1971 c. 33 (N.I.).

⁽²⁵⁾ S.I. 1987/1627 (N.I. 16).

- (a) P2 has made a written application to the Department to be appointed; and
 - (b) if P2 is an individual, P2 is over the age of 18.
- (4) The functions are exercising on behalf of P1 any right to which P1 may be entitled and receiving and dealing on behalf of P1 with any sums payable to P1.
- (5) Anything required by these Regulations to be done by or in relation to P1 may be done by or in relation to P2 or any person mentioned in paragraph (2).
- (6) Where a person has been appointed under regulation 80(3) of the Housing Benefit Regulations (Northern Ireland) 2006⁽²⁶⁾ by a relevant authority within the meaning of those Regulations to act on behalf of another in relation to a benefit claim or award, the Department may, if the person so appointed agrees, treat that person as if the Department had appointed that person under paragraph (1).
- (7) A direct credit transfer under regulation 41 into the account of P2 or any person mentioned in paragraph (2), or the receipt by such a person of a payment made by some other means, is sufficient discharge for the Department for any sum paid.
- (8) An appointment under paragraph (1) or (6) comes to an end if—
- (a) the Department at any time revokes it;
 - (b) P2 resigns P2's office having given one month's notice in writing to the Department of an intention to do so; or
 - (c) the Department is notified that any condition in paragraph (2) is no longer met.

Payment to another person on the claimant's behalf

53.—(1) The Department may direct that universal credit be paid wholly or in part to another person on the claimant's behalf if this appears to the Department necessary to protect the interests of—

- (a) the claimant;
- (b) the claimant's partner;
- (c) a child or qualifying young person for whom the claimant or the claimant's partner or both are responsible; or
- (d) a severely disabled person, where the calculation of the award of universal credit includes, by virtue of regulation 30 of the Universal Credit Regulations, an amount in respect of the fact that the claimant has regular and substantial caring responsibilities for that severely disabled person.

(2) The Department may direct that personal independence payment be paid wholly to another person on the claimant's behalf if this appears to the Department necessary to protect the interests of the claimant.

Direct payment to lender of deductions in respect of interest secured on loans

54. Schedule 4 has effect where section 13A(1) of the Administration Act⁽²⁷⁾ (payment out of benefit of sums in respect of mortgage interest, etc.) applies in relation to a case where a claimant is entitled to universal credit.

⁽²⁶⁾ S.R. 2006 No. 405.

⁽²⁷⁾ Section 13A was inserted by paragraph 1 of the Schedule to the Social Security (Mortgage Interest Payments) (Northern Ireland) Order 1992 (S.I. 1992/1309 (N.I. 9)) and amended by paragraph 23 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)), paragraph 9 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)), paragraph 109 of Schedule 24 to the Civil Partnership Act 2004 (c. 33), paragraph 4(5) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2 (N.I.)) and Article 18 of S.I. 2002/1555.

Deductions which may be made from benefit and paid to third parties

55. Except as provided for in regulation 54 and Schedule 4, deductions may be made from benefit and direct payments may be made to third parties on behalf of a claimant in accordance with the provisions of Schedules 5 and 6.

PART 6**Mobility component of personal independence payment****Cases where mobility component of personal independence payment not payable**

56.—(1) Subject to the following provisions of this regulation, personal independence payment by virtue of entitlement to the mobility component is not payable to any person who would otherwise be entitled to it during any period in respect of which that person has received, or is receiving, any payment—

- (a) by way of a grant under Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972(**28**) towards the costs of running a private car;
- (b) of mobility supplement under—
 - (i) the Naval, Military and Air Forces etc., (Disablement and Death) Service Pensions Order 2006(**29**),
 - (ii) the Personal Injuries (Civilians) Scheme 1983(**30**), or
 - (iii) the Order referred to in head (i) by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964(**31**), the Pensions (Polish Forces) Scheme 1964(**32**), the War Pensions (Mercantile Marine) Scheme 1964(**33**) or an Order of Her Majesty in relation to the Home Guard dated 21st or 22nd December 1964(**34**) or in relation to the Ulster Defence Regiment dated 4th January 1971(**35**); or
- (c) out of public funds which the Department is satisfied is analogous to a payment under sub-paragraph (a) or (b).

(2) Paragraph (3) applies where a person in respect of whom personal independence payment is claimed for any period has received any such payment as is referred to in paragraph (1) for a period which, in whole or in part, covers the period for which personal independence payment is claimed.

(3) Such payment referred to in paragraph (1) is to be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of the mobility component of personal independence payment to which, apart from paragraph (1) the person would be entitled, any personal independence payment to which that person may be entitled for that week is to be payable at a weekly rate reduced by the weekly amount so calculated.

Payment of personal independence payment on behalf of a claimant (Motability)

57.—(1) This regulation applies where—

(28) S.I. 1972/1265 (N.I. 14).
 (29) S.I. 2006/606.
 (30) S. I. 1983/686.
 (31) S.I. 1964/1985.
 (32) S.I. 1964/2007.
 (33) S. I. 1964/2058.
 (34) Cmnd. 2563 and 2564.
 (35) Cmnd. 4567.

- (a) personal independence payment is payable in respect of a claimant by virtue of entitlement to the mobility component at the enhanced rate; and
- (b) under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of the claimant for the hire or hire-purchase of a vehicle.

(2) Where this regulation applies, the Department may arrange that any personal independence payment by virtue of entitlement to the mobility component at the enhanced rate be paid in whole or in part on behalf of the claimant in settlement of liability for payments due under the agreement mentioned in paragraph (1).

(3) Subject to regulations 58 and 59, in the case of the hire of a vehicle, an arrangement made by the Department under paragraph (2) terminates—

- (a) where the vehicle is returned to the owner at or before the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term;
- (b) where the vehicle is retained by or on behalf of the claimant with the owner’s consent after the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term; or
- (c) where the vehicle is retained by or on behalf of the claimant otherwise than with the owner’s consent after the expiration of the term of hire or any agreed extension of the term of hire, or its earlier termination, on expiry of whichever is the longer of the following periods—
 - (i) the period ending with the return of the vehicle to the owner, or
 - (ii) the period of the term of hire or any agreed extension of the term of hire.

(4) Subject to regulations 58 and 59 in the case of a hire-purchase agreement, an arrangement made by the Department under paragraph (2) terminates—

- (a) on the purchase of the vehicle; or
- (b) where the vehicle is returned to, or is repossessed by, the owner under the terms of the agreement before the completion of the purchase, at the end of the original period of the agreement.

(5) In this regulation “Motability” means the company, set up under that name as a charity and originally incorporated under the Companies Act 1985(36) and subsequently incorporated by Royal Charter.

Power of the Department to terminate an arrangement (Motability)

58. The Department may terminate an arrangement under regulation 57(2) on such date as the Department decides—

- (a) if requested to do so by the owner of the vehicle to which the arrangement relates; or
- (b) if it appears to the Department that the arrangement is causing undue hardship to the claimant and that it should be terminated earlier than provided for by regulation 57(3) or (4).

Restriction on duration of arrangements by the Department (Motability)

59. The Department must terminate an arrangement under regulation 57(2) where the Department is satisfied that—

- (a) the vehicle to which the arrangement relates has been returned to the owner; and

(36) 1985 c. 6.

- (b) the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.

Signed by authority of the Secretary of State for Work and Pensions

4th May 2016

Freud
Minister of State,
Department for Work and Pensions