

EXPLANATORY MEMORANDUM TO

**THE UNIVERSAL CREDIT, PERSONAL INDEPENDENCE PAYMENT,
JOBSEEKER'S ALLOWANCE AND EMPLOYMENT AND SUPPORT
ALLOWANCE (CLAIMS AND PAYMENTS) REGULATIONS (NORTHERN
IRELAND) 2016**

2016 No. 220

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Social Development (Northern Ireland) (“the Department”) on behalf of the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 These Regulations concern claims and payments in relation to a number of benefits administered by the Department for Social Development (“the Department”). This instrument supports the introduction of Universal Credit and Personal Independence Payment. It also supports the administration of contributory-only Jobseeker’s Allowance and Employment and Support Allowance.

2.2 It makes provision for claiming and paying the above benefits. It includes provisions for the use of electronic communications; sets out the circumstances in which part or all of a benefit may be paid directly to someone other than the claimant; and sets out provisions for non-payment of the mobility component of Personal Independence Payment and for the Motability scheme.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to the negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 [Section 87 of the Northern Ireland Act 1998](#) places a statutory duty on the Minister for Social Development and the Secretary of State for Work and Pensions to consult with one another with a view to securing a single social security system for the United Kingdom. Section 88 of the 1998 Act makes provision for financial adjustments to support the maintenance of these parity arrangements.

4.2 Underpinning the parity principle is the argument that, as people in Northern Ireland pay the same rates of income tax and National Insurance contributions as people in Great Britain; they are entitled to the same rights and benefits paid at the same rates.

- 4.3 The [Welfare Reform Act 2012](#) introduced a number of reforms including Universal Credit, Personal Independence Payment, the Jobseeker’s Allowance Claimant Commitment and a cap on the amount of benefits working age people can receive.
- 4.4 On 17 November 2015 “[A Fresh Start: The Stormont Agreement and Implementation Plan](#)” was agreed by the main political parties in Northern Ireland. Included in this agreement was the approach agreed by the Executive and HM Government to implementing welfare reform in Northern Ireland. [The Northern Ireland \(Welfare Reform\) Act 2015](#) provides a power for Her Majesty to legislate on social security, child support and certain matters related to employment and training in Northern Ireland by Order in Council. Any such Order in Council may then confer power on the Secretary of State or a Northern Ireland department to make further provision regarding these matters by regulations or order. [The Welfare Reform \(Northern Ireland\) Order 2015](#) (the “2015 Order”) was made on 9 December 2015 and regulations stemming from the Order to implement the various welfare reforms set out in the Welfare Reform Act 2012 in Northern Ireland are now being brought forward.
- 4.5 [The Welfare Reform \(Northern Ireland\) Order 2015](#) provides for the introduction of a new income-related social security benefit, Universal Credit, and the abolition of income-based Jobseeker’s Allowance, income-related Employment and Support Allowance, Income Support, Housing Benefit, and Child and Working Tax Credits. In addition, Personal Independence Payment will supersede Disability Living Allowance for people aged 16 to 64.
- 4.6 These changes restore parity between social security systems in Northern Ireland and Great Britain. The instrument makes the equivalent changes for Northern Ireland that were made in Great Britain by the [Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance \(Claims and Payments\) Regulations 2013](#) – SI 2013/380.
- 4.7 In many respects, these Regulations carry forward existing provisions in [the Social Security \(Claims and Payments\) Regulations \(Northern Ireland\) 1987](#). In particular, the arrangements for contributory Employment and Support Allowance and Jobseeker’s Allowance are largely unchanged. However, there are key differences resulting from the introduction of Universal Credit and Personal Independence Payment. These Regulations replace, rather than amend, the existing provisions with the intention of providing a simpler and clearer legal framework.
- 4.8 These Regulations are made largely under existing powers in [the Social Security Administration Act \(Northern Ireland\) 1992](#) (as amended by the Welfare Reform (Northern Ireland) Order 2015). In particular, the amendments made to the 1992 Act by section 104 of the Welfare Reform (Northern Ireland) Order 2015 enable provision to be made in Regulations for claims to, and awards of, Universal Credit to be a predominantly online process, with an online account being the primary channel used to interact with claimants. They also make it more straightforward for claimants with earnings to move on and off Universal Credit by introducing re-awards without a claim being necessary. The Regulations make similar provision for the channels available for making a claim for a Personal Independence Payment. However, claims to Personal Independence Payment will initially be made on the telephone with arrangements to claim on a paper form available exceptionally and by prior arrangement.

- 4.9 The provisions also recognise the need to cater for claimants who require additional support; both in the claims process, and through the provision of additional support to assist those who have difficulty managing their finances (set out in section 7 below).

5. Extent and Territorial Application

- 5.1 The extent of this instrument is Northern Ireland.
- 5.2 The territorial application of this instrument is Northern Ireland.
- 5.3 These regulations replicate for Northern Ireland the legislation that applies to Great Britain.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

Making a Claim

- 7.1 Universal Credit has been designed so that claims will normally be made online, with an online account being the primary channel used to interact with the claimant. Schedule 1 (Electronic communications) of these Regulations provides for the use of electronic communications. This approach is intended to be more responsive to changes in a claimant's circumstances and promote behaviours that help the claimant prepare for work. Claims can be amended or withdrawn in writing or by phone at any time before a decision is made on whether to make an award. Universal Credit claims will be accepted by telephone. There will be no paper claim forms for Universal Credit. In exceptional circumstances, face-to-face assistance to make an online claim may be arranged, either in a local benefits office or via a home visit.
- 7.2 Claims for Personal Independence Payment may be made by telephone or by paper. These claimants will be allowed one month, or a longer period if considered reasonable, to complete and return their paper claim.
- 7.3 A claim for Employment and Support Allowance will normally be made by telephone, although a paper or electronic claim may also be made. In specific circumstances, a claim for Employment and Support Allowance is not required: this is where the claimant is appealing against a decision to terminate or not award them Employment and Support Allowance. The Regulations provide that in these circumstances the claimant does not need to make a separate new claim to gain entitlement.
- 7.4 As in the current system, a claim made by a pregnant woman to Maternity Allowance may be treated as a claim for an Employment and Support Allowance, for the period up to six weeks prior to the expected date of birth or the actual date of birth if earlier. Any such claim will end fourteen days after the date of birth.
- 7.5 Claims for a contribution-based Jobseeker's Allowance may, as now, be made online, by telephone, or in writing. Most Jobseeker's Allowance claimants will still be required to make their claim by attending an appropriate office in person.
- 7.6 In contrast to the experience in GB, Northern Ireland will be a 'digital service area' fully from the start.

Couples – Universal Credit

- 7.7 A couple claiming Universal Credit will, in the vast majority of cases, claim jointly and both will be responsible for administering their award and meeting the conditions of entitlement. Regulation 8(1) (*Claims for universal credit by members of a couple*) provides that where only one member meets the conditions of entitlement but the couple claim jointly, the claim will be treated as a single claim from the eligible claimant. However, in the situation where only one member of a couple who claim jointly accepts their claimant commitment, neither member would be entitled to Universal Credit.
- 7.8 To aid administration, the Regulations provide that where both the members of a couple make separate claims to Universal Credit, this can be considered as a joint claim by the couple where required. Similarly, Regulation 8(5) (*Claims for universal credit by members of a couple*) provides for one member of a couple to make a joint claim to Universal Credit for both members, where the other member is unable to make a claim.
- 7.9 In comparison to existing income-related benefits, which have complex rules about the amount payable to the members of a polygamous marriage, polygamous marriage will not be recognised for the purposes of Universal Credit. Regulation 8(2) and (3) (*Claims for universal credit by members of a couple*) provide that where a claim is made jointly by a member of a polygamous marriage who is not a party to the earliest marriage, and where that earlier party is living in the same household, it will be treated as a claim made by that member as a single person.
- 7.10 Article 6 (*Universal Credit*) of the Welfare Reform (Northern Ireland) Order 2015 provides that an award of Universal Credit may be made to either an individual claimant or to members of a couple jointly. As detailed in Regulation 8(6) to (9) (*Claims for universal credit by members of a couple*), where a couple receiving Universal Credit separate, or where two single people join together as a couple, a new award is made without a claim being required. If a couple who are making a joint claim separate, and they both wish to continue claiming Universal Credit, there is no requirement for them to make a new claim to UC and the new award for both parties is treated as though it is a change in circumstances. Where two single claimants become a couple, their single awards will be terminated and the couple will be awarded Universal Credit jointly without them having to make a new claim. Regulation 8(10) (*Claims for universal credit by members of a couple*) provides that where one of the joint claimants dies, the surviving partner will not be required to make a claim as a single person when the joint award ends.

Date of Claim

- 7.11 Where a claim for Universal Credit is made online, the date of claim is the date an online claim is received. For telephone claims, the date of claim is the date the claim is properly completed. Where a home visit or face-to-face appointment is needed, or where a telephone claim cannot be taken immediately, the date of claim for Universal Credit will be the date the claimant first makes contact to make their claim. In addition the Regulations provide for a claim to be made for a date in the future so that the award of Universal Credit can begin, up to one month after the date the claim is made.
- 7.12 For Employment and Support Allowance, the date of claim is the first date on which a claim is made by telephone or the date on which a person first notifies an intention to

claim by telephone, provided that a claim is properly completed within one month. When a claim is made the date of claim is the date on which a properly completed form is received in an appropriate office, or the date on which a person first notifies an intention to claim in writing, provided that a properly completed form is received in an appropriate office within one month.

- 7.13 For Jobseeker's Allowance, the date of claim is the first date on which a claim is made by telephone, or the date on which a person first notifies an intention to claim by telephone, provided that a claim is properly completed within one month. If a claim is made in writing or is an electronic claim, the date of claim is the date on which a properly completed form is received in an appropriate office, or the date on which a person first notifies an intention to claim in writing, provided that a properly completed form is received in an appropriate office within one month (detailed in Regulation 21: *Date of claim for a jobseeker's allowance where claim made in writing*). Where a claimant is required to attend a jobseeker's interview but they fail to attend that interview, unless they have a good reason for that failure, their claim will start from the day they do attend an interview.
- 7.14 A claim for Personal Independence Payment will be treated as being made on the date the claim is properly completed. Unlike Disability Living Allowance, the Personal Independence Payment claim form will ask for basic information only. Where a claim is made in writing, not electronically, within one month of the claimant first notifying the Department of their intention to make a claim, the date of claim will be the date the claimant first notified the Department.
- 7.15 The Regulations provide for specific circumstances where a claim for Personal Independence Payment on the basis of terminal illness is made on behalf of someone else, and the benefit is not awarded. In these circumstances, where a subsequent claim is made within one month of notification of the decision not to award the Personal Independence Payment, the date of claim is to be the date the initial claim (on the basis of terminal illness) was made.
- 7.16 Where a claim to Personal Independence Payment is received and the entitlement conditions are not currently met, but are considered likely to be met within three months of the decision on the claim being made, unless there is a change of circumstances, a decision on entitlement may be made in advance.
- 7.17 Where a claimant's award of Personal Independence Payment is due to expire within the next six months, they can make a claim for a new award of Personal Independence Payment which can then be considered, with the date of entitlement being taken as the first day after their current entitlement ends.

Allowing an earlier date of claim

- 7.18 In respect of Universal Credit, an earlier date of claim may be allowed before the date the claim is actually made where a claimant could not reasonably have been expected to make their claim earlier due to specific circumstances during that earlier period. These may include advance claims for care leavers up to a month before their 18th birthday, or for prisoners up to a month before their release. In addition this could extend to circumstances where the claimant has a disability or has supplied medical evidence that satisfies the department that illness prevented them from making a claim. This date can be up to one month before the actual day the claimant makes their claim.

- 7.19 In Employment and Support Allowance, an earlier date of claim of up to three months before the date the claim is actually made can be allowed. In addition, regulation 16 provides that if a claimant has informed their employer of an incapacity and is not entitled to Statutory Sick Pay, their date of claim for Employment and Support Allowance is treated as the date accepted by their employer as the first day of incapacity, provided that a claim is made within 3 months of them being informed by the employer that they are not entitled to statutory sick pay.
- 7.20 An earlier date of claim of up to three months may be allowed for Jobseeker's Allowance if certain conditions that prevented a claim from being made apply (Regulation 28: *Time within which a claim for jobseeker's allowance is to be made*). This includes circumstances where the claimant was prevented by adverse weather conditions from attending an appropriate office, was caring for a person who is ill or disabled, or the claimant has difficulty communicating; and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim.
- 7.21 In addition the Regulations provide that claims for Personal Independence Payment must be made on the date the claimant actually makes the claim – no earlier date of claim is allowed, as is the case with Disability Living Allowance.

Interchange with claims for other benefits – Employment and Support Allowance and Personal Independence Payment

- 7.22 The Regulations provide for the conditions where a claim for one benefit may be treated in addition to, or as an alternative to, a claim for another. This is in order to ensure that people receive the right benefit and to aid administration. This extends to a claim for Employment and Support Allowance to be considered alongside or in addition to a claim for Maternity Allowance, and vice versa.
- 7.23 Where claimants apply for, and are found ineligible for, Personal Independence Payments for instance they are under age 16 or are over age 65, their claims can be treated as a claim for Disability Living Allowance or Attendance Allowance. In these circumstances, the date of claim for the alternative benefit is to be the day the claim was made for the original benefit.

Evidence and Information

- 7.24 As part of a claim to benefit, claimants may be required to provide information in support of the claim. The regulations provide that this information must be received within one month of it being requested unless a longer period is specified. In addition Regulation 34 (*Attendance in person*) provides that claimants may be required to attend an office to supply relevant information and evidence. The requirements relating to the provision of information and evidence in respect of Jobseeker's Allowance are detailed separately in Part 4 of the Jobseeker's Allowance Regulations (Northern Ireland) 2016.
- 7.25 Claimants are obliged to provide details of any changes of their circumstances that might affect the continuance of entitlement to benefit, the amount of benefit awarded or the payment of benefit as soon as reasonably practicable after the change occurs. The change of circumstance must be reported online or by phone.
- 7.26 Landlords (*regulation 36: Evidence and information in connection with a claim*), child care providers (*regulation 3: Evidence and information in connection with an award*)

and, in certain circumstances, pension fund holders (regulation 38: *Evidence and information required from pension fund holders*), may also be required to provide information in connection with a claim or award for Universal Credit where relevant.

- 7.27 The Regulations detail the means including in writing, by telephone or electronic communication of notifying a change of circumstance in relation to sections 105A and 106 of the Administration Act. This deals with offences relating to dishonest or false representations for the purpose of obtaining benefit.
- 7.28 Unlike in GB there is no ‘Tell Us Once Service’ (a service which lets the reporting of a death to most government organisations in one go) in NI and so provisions in respect of this, which were included in the equivalent GB regulations, are not included in these Regulations. Although not available across all NI government departments the Bereavement Service offers relatives a single point of contact when reporting a death to the Department through the NI Social Security Agency (NI SSA).

Payment

- 7.29 Regulation 42 (payment of universal credit), provides for frequency of payment of Universal Credit. In GB payments are made monthly, with the option for more frequent payments. Part of the Northern Ireland flexibilities was agreement for ‘twice-monthly’ payments of Universal Credit, with the option of moving to monthly payments if requested. In Northern Ireland therefore, Universal Credit will normally be paid as two instalments for each month in arrears. This NI specific approach was agreed by the main political parties in Northern Ireland as part of the [Fresh Start Agreement](#). In contrast to Employment and Support Allowance, Jobseeker’s Allowance and Personal Independent Payment, which are all paid to an individual claimant, Universal Credit may be payable to an individual or to a joint claim couple, and in respect of a child or qualifying young person in the same household. Additional elements may also be payable to claimants with limited capability for work and work-related activity, to carers, for housing costs or for childcare costs.
- 7.30 Universal Credit may be paid wholly to a designated member of a joint couple or be proportioned between the couple, if it is in the interests of the claimant, their family or any severely disabled adult in respect of whom the claimant receives a carer element.
- 7.31 All benefit should be paid as soon as reasonably practicable after an award has been made via direct credit transfer into a bank or other account. For any person under 18 in receipt of benefit, payment will be made via direct credit transfer. Where the amount of any benefit payable is less than half a penny it will be disregarded, otherwise the amount will be treated as a penny. The Regulations carry forward existing provisions that provides that if after twelve months from the date it was ready for collection, a claimant has not obtained (or received) payment of their benefit, they will lose the right to that payment.
- 7.32 Personal Independence Payment will usually be paid four-weekly in arrears, although payment may be made weekly in advance for those who are terminally ill. It may be calculated at a daily rate where necessary, for example where someone enters or leaves hospital or a care home on a regular basis.
- 7.33 Both Employment and Support Allowance and Jobseeker’s Allowance will continue to be paid fortnightly in arrears.

7.34 Universal Credit and Personal Independence Payment may be paid to another person where it is deemed necessary to protect the interests of the claimant or, for Universal Credit, to protect the claimant's family or any severely disabled adult in respect of whom the claimant receives a carer element. Similarly, there is provision for circumstances in all benefits for the Department to appoint a representative for a claimant where the individual is unable to act for themselves, as in the current system and for the distribution of payments where a claimant dies (regulation 51: *Payments on death*). This mirrors the current arrangements as set out in regulation 33 (*persons unable to act*) in the 1987 Regulations.

Direct payment to lender of deductions in respect of mortgage interest – Universal Credit

- 7.35 Regulation 54 (Payments on death) enables Schedule 4 (*Direct payment to lender of deductions in respect of interest on secured loans*) of the Regulations, which provides for the continuation of the existing Mortgage Interest Direct scheme for owner occupiers in receipt of Universal Credit. The Mortgage Interest Direct Scheme is intended to reduce the threat of repossession for owner occupiers receiving help with their mortgage interest payments through the benefits system by making direct payments to the mortgage lender.
- 7.36 Universal Credit in respect of mortgage interest will be paid direct by the Department to the claimant's mortgage lender on a monthly basis.
- 7.37 In return for receiving direct payments of mortgage interest, the lending industry will pay a charge for each transaction known as the "transaction charge", which enables the Department to recover the costs of administering the scheme. The level of the transaction charge at £0.44 has been agreed with the Council of the Mortgage Lenders and this is in the regulations. The level of the charge will be reviewed with the Council of Mortgage Lenders annually to ensure that it reflects the actual costs of administering the scheme.

Deductions from benefit and direct payment to third parties – Universal Credit

- 7.38 Regulation 55 (*Deductions which may be made from benefit and paid to third parties*) enables Schedules 5 (*Deductions from benefit and direct payment to third parties*) and Schedule 6 (*Deductions from benefit in respect of child support maintenance and payment to persons with care*) to these Regulations, which allow payments of Universal Credit to be paid direct to third parties. This is to allow repayments for various debts, such as arrears of rent, utilities and child maintenance. Some of the deductions are intended to protect vulnerable claimants by providing a last resort repayment method for arrears of essential services, for example rent where the claimant is facing eviction, or gas and electricity where there is a threat of disconnection. Other deductions enable social obligations to be enforced where other repayment methods have failed or are not cost effective, such as child maintenance and third party loans.
- 7.39 Each of the debt categories has a set of criteria, which must be satisfied for the deduction to be taken. These criteria, detailed in Schedule 5 (paragraphs 6 to 12) are intended to support the overall aims of Universal Credit; ensuring claimants take responsibility for budgeting their income. A deduction will only be made where the claimant is in arrears, and has no other means of clearing the debt or has continually failed to repay the debt.

- 7.40 The Schedule sets out a number of limitations that are intended to protect claimants from excessive deductions, which could lead to hardship. Deductions must not reduce a claimant's Universal Credit to less than 1p, which is the minimum entitlement amount in Universal Credit, to ensure they can maintain any eligibility for passported benefits (paragraph 3(1a)). In addition, a maximum of three third party deductions can be taken at any one time (paragraph 3(1b)): *Deductions from benefit and direct payment to third parties*) and each of the deduction types set out in Schedule 5 will be deducted at an amount equivalent to 5% of the claimant's Universal Credit Standard Allowance. As provided for in paragraph 4, there will be an overall maximum amount that can be deducted, which will be an amount equal to 40% of the claimant's Universal Credit Standard Allowance. If all deductions that are required exceed 40%, or there is insufficient Universal Credit in payment, a priority order will be applied, which is provided for in paragraph 5.
- 7.41 There are some historical differences between the GB and NI third party deduction scheme which have been carried forward into these Regulations. Eligible loans which were a Treasury initiative funded by the Financial Inclusion Fund in GB do not apply in NI, and so deductions for them are not included in these Regulations. Furthermore rates in NI were never replaced with Council Tax and Community Charges as in GB, and this is reflected by the inclusion of rates in the provisions in these Regulations for deductions from benefit and direct payments to third parties. Other differences in NI with the third party deductions scheme include that it is intended to maintain the initial rate of 5% deduction of standard allowance for rent.
- 7.42 In addition 'civil penalties' were omitted from the Welfare Reform (Northern Ireland) Order 2015 as part of the NI flexibilities agreed between the NI Minister for Social Development and the DWP Minister, and so there are no corresponding provisions in the third party deduction scheme.
- 7.43 The corresponding GB Regulations make provision for deductions for fines. This is not yet possible in NI. The Department of Justice (Northern Ireland) is currently bringing forward the [Justice \(No.2\) Bill](#) which will enable the introduction of regulations to provide for the deduction of fines from benefit, and consequential amendments to Schedule 5 will be made at that stage.

Deductions from benefit in respect of Child Support Maintenance and Payments to Persons with Care

- 7.44 The Regulations allow for deductions to be made from Universal Credit, Employment and Support Allowance or Jobseeker's Allowance for statutory child maintenance under the Child Support (Northern Ireland) Order 1991 S.I. 1991/2628 (N.I. 23). These are payments made by parents (defined in that Order as "non-resident parents") who are living apart from their children towards the support of those children.
- 7.45 Amounts payable by non-resident parents are calculated in accordance with rules contained in the Child Support (Northern Ireland) Order 1991 and associated Regulations. These maintenance calculations are often based on the non-resident parent's income. However where a non-resident parent (or in the case of Universal Credit, their partner) receives a qualifying benefit they will usually be liable to pay maintenance at a weekly "flat rate", as provided for in paragraph 5 of Schedule 6.
- 7.46 There are a number of limitations to ensure that excessive deductions from benefit are not made. A deduction has to leave a minimum of 10 pence of benefit in payment. This

rule is aligned with the existing income-related benefits where 10 pence is still the minimum entitlement required to be eligible for passported benefits. If a person is jointly entitled to Universal Credit with a partner and they are both non-resident parents, the amount deducted from Universal Credit will be limited to the flat rate amount. This reflects the fact that the amount payable by each of them under the [Child Support \(Northern Ireland\) Order 1991](#) will be half the flat rate.

Consolidation

- 7.47 This instrument will be informally consolidated in the NI equivalent of the GB Law Relating to Social Security (or “Blue Volumes”). It will be available to the public at no cost via the internet at: <https://www.dsdni.gov.uk/services/law-relating-social-security>

8. Consultation outcome

- 8.1 The Department for Social Development consulted on the implications of the wider reforms as part of the Welfare Reform Bill consultation process, including a public consultation on the equality impact assessment. The Department has also discussed informally with stakeholders to ensure that the operational implications are fully understood and that processes are in place to ensure that the change is implemented correctly in Northern Ireland.
- 8.2 The policy proposals relating to Universal Credit and the new Discretionary Support Scheme were put to the NI Assembly’s Social Development Committee as part of the Assembly’s consideration of the proposed Welfare Reform Bill (Northern Ireland) 2012. In response to its call for evidence the Committee received written submissions from 55 organisations and individuals. The Committee took oral evidence from 31 organisations including the Department.
- 8.3 The Committee agreed to refer the Bill to an Ad Hoc Committee on Conformity with Human Rights and Equality Requirements which took evidence from a number of representative bodies, including the Equality Commission for Northern Ireland and the Northern Ireland Human Rights Commission. Officials from the Department briefed the Committee on two occasions and provided written responses to queries raised.
- 8.4 The Chairperson of the Ad Hoc Committee also met with the Chairperson of the House of Lords and House of Commons Joint Committee on Human Rights to gain an insight into their approach to scrutiny of Westminster legislation. [The Ad Hoc Committee reported](#) to the Assembly on 29 January 2013 and the Social Development Committee resumed its consideration of the Bill on 30 January 2013. [The Social Development Committee reported](#) to the Assembly on 14 February 2013. Of concern to the Committee was the potential ability of people to budget their benefits on a monthly basis. The Committee favoured a twice monthly payment of Universal Credit by default. The Final Stage of the Bill failed to pass on 26 May 2015.
- 8.5 As a result of the Fresh Start Agreement the [Welfare Reform \(Northern Ireland\) Order 2015](#) (The 2015 Order) was made which provides corresponding reforms to those introduced in GB by the [Welfare Reform Act 2012](#), amended where necessary to reflect the previous agreements between the UK Government and the NI parties on differences and those flexibilities agreed during the legislative passage in the NI Assembly e.g. the twice monthly payment referred to above at paragraph 7.29. In line with the Fresh Start Agreement, this included the default position for payment of Universal Credit in Northern Ireland by two instalments for each month rather than one monthly payment.

9. Guidance

- 9.1 Before these regulations come into force detailed guidance on both regulatory and operational changes will be provided to staff and decision makers within the Northern Ireland Social Security Agency (NI SSA). Procedures will be updated, staff trained and notification letters amended before these regulations are brought into operation.
- 9.2 After these regulations are laid changes will be made to the Decision Makers Guide (DMG) which is also available free on the DSD internet at:
<https://www.dsdni.gov.uk/articles/decision-makers-guide>.

10. Impact

- 10.1 There is no significant impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector relates to the overall package of reforms and these enabling elements are not estimated separately. This measure is part of the welfare reform package that will restore parity with the rest of the UK and contribute toward sustainable finances for the Executive. This suite of policy changes are designed to improve work incentives and enhance fairness, whilst ensuring support for the most vulnerable. These were implemented in Great Britain in 2012 and the package of reforms has proved to be successful in increasing moves into employment by those affected.
- 10.3 An Impact Assessment has not been prepared for this instrument as there is no impact separate from the overarching policies of Universal Credit and Personal Independence Payments. Impact Assessments have been prepared for those instruments.

11. Regulating small business

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 These Claims and Payments Regulations facilitate the introduction of the social security benefits Universal Credit and Personal Independence Payment and also support the administration of Jobseekers Allowance and Employment and Support Allowance.
- 12.2 The operation of the Regulations will continue to be reviewed through the normal avenues of guidance enquiries received from the Department's offices and correspondence from members of the public.
- 12.3 In addition the Welfare Reform (Northern Ireland) Order 2015 makes specific provision for a duty on the Department to conduct and publish a report on the operation of the Order. This must be produced within 3 years of the making of the Order. The Department is required to lay the report before the Northern Ireland Assembly.
- 12.4 Northern Ireland social security legislation normally maintains parity with changes made by Department for Work and Pensions.

13. Contact

- 13.1 Anne McCleary at the Department for Social Development Telephone: 02890819984 or email: anne.mccleary@dsdni.gov.uk can answer any queries regarding the instrument.