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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 225**

**The Social Security (Loss of Benefit)  
(Amendment) Regulations (Northern Ireland) 2016**

**Insertion of regulations 3ZA and 3ZB**

**8.** After regulation 3 insert—

**“Reduction of income-related employment and support allowance**

**3ZA.**—(1) Subject to paragraphs (4) and (5), any payment of an income-related employment and support allowance which falls to be made to an offender in respect of any week in the disqualification period or to an offender’s family member in respect of any week in the relevant period is to be reduced in accordance with paragraph (2).

(2) The amount of the reduction is to be—

- (a) where the offender or, as the case may be, the offender’s family member, is pregnant or seriously ill, a sum equivalent to 20 per cent.;
- (b) where the offender or, as the case may be, the offender’s family member is subject to no work-related requirements for the purpose of section 11D of the 2007 Act<sup>(1)</sup>, a sum equivalent to 40 per cent.;
- (c) in any other case, a sum equivalent to 100 per cent.,

of the applicable amount for a single claimant specified in paragraph 1(1) of Schedule 4 to the ESA Regulations on the day specified in paragraph (3).

(3) The specified day is—

- (a) where a payment to the offender falls to be reduced, on the first day of the disqualification period; or
- (b) where a payment to the offender’s family member falls to be reduced, on the first day of the relevant period.

(4) Payment must not be reduced under paragraph (2) to less than 10 pence per week.

(5) A reduction under paragraph (2) must, if it is not a multiple of 5 pence, be rounded to the nearest such multiple or, if it is a multiple of 2.5 pence but not of 5 pence, to the next lower multiple of 5 pence.

(6) Where the rate of an income-related employment and support allowance payable to an offender or an offender’s family member changes, the rules set out in paragraphs (1) to (5) for a reduction in the allowance payable are to be applied to the new rate and any adjustment to the reduction shall take effect from the first day of the first benefit week to start after the date of change.

(7) In paragraph (6), “benefit week” has the same meaning as in regulation 2(1) of the ESA Regulations.

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<sup>(1)</sup> Section 11D was inserted by Article 63(2) of the Welfare Reform (Northern Ireland) Order 2015 (N.I. 1).

### **Reduction of universal credit**

**3ZB.**—(1) Any payment of universal credit which falls to be made to an offender or an offender’s family member (“O”) in respect of an assessment period wholly or partly within a disqualification period is to be reduced in accordance with paragraph (2) or (5).

(2) Except where paragraph (5) applies and subject to paragraphs (6) and (7), the amount of the reduction is to be calculated by multiplying the daily reduction rate by the number of days in the assessment period or, if lower, the number of days in the assessment period to which the reduction is to relate.

(3) The daily reduction rate for the purposes of paragraph (2) is, unless paragraph (4) applies, an amount equal to the amount of the standard allowance applicable to the award multiplied by 12 and divided by 365.

(4) The daily reduction rate for the purposes of paragraph (2) is 40 per cent. of the rate calculated in accordance with paragraph (3) if, at the end of the assessment period—

(a) O, or where O is a joint claimant, the other joint claimant (“J”), falls within Article 24 of the Order (claimants subject to no work-related requirements) by virtue of—

(i) Article 24(2)(c) of that Order (responsible carer for a child under the age of one); or

(ii) regulation 88(1)(c), (d) or (f) of the UC Regulations (adopter, claimants within 11 weeks before, or 15 weeks after, confinement or responsible foster parent of a child under the age of one); or

(b) O or, as the case may be, O or J, falls within Article 25 of the Order (claimants subject to work-focused interview requirement only).

(5) Where the disqualification period ends during an assessment period, the amount of the reduction for that assessment period is to be calculated by multiplying the daily reduction rate under paragraph (3) or, as the case may be, paragraph (4) by the number of days in that assessment period which are within the disqualification period.

(6) The amount of the daily reduction rate in paragraphs (3) and (4) is to be rounded down to the nearest 10 pence.

(7) The amount of the reduction under paragraph (2) in respect of any assessment period must not exceed the amount of the standard allowance which is applicable to O in respect of that period.

(8) Where the rate of universal credit payable to O or, as the case may be, O and J, changes, the rules set out in paragraphs (1) to (7) for a reduction in the universal credit payable are to be applied to the new rate and any adjustment to the reduction is to take effect from the first day of the first assessment period to start after the date of the change.

(9) In the case of joint claimants—

(a) each joint claimant is considered individually for the purpose of determining the rate applicable under paragraph (3) or (4); and

(b) half of any applicable rate is applied to each joint claimant accordingly.

(10) In this regulation, “standard allowance” means the allowance of that name, the amount of which is set out in regulation 38 of the UC Regulations.”