
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 236

**The Universal Credit (Consequential,
Supplementary, Incidental and Miscellaneous
Provisions) Regulations (Northern Ireland) 2016**

PART 2

AMENDMENTS OF ENABLING LEGISLATION

Amendment of the Maintenance Orders Act

2. In section 12(1)(d) of the Maintenance Orders Act 1950(1) (contributions under enactments relating to children, national assistance and welfare services) after “income support” insert “or universal credit”.

Amendment of the Employment (Miscellaneous Provisions) Order

3. In Article 10(4) of the Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990 (power to exempt discrimination in favour of lone parents in connection with training)(2)—

(a) before sub-paragraph (a) insert—

“(za) “couple” has the meaning given by Article 45(1) of the Welfare Reform (Northern Ireland) Order 2015”, and

(b) for sub-paragraph (b) substitute—

“(b) “lone parent” means a person who—

(i) is not a member of a couple, and

(ii) is responsible for, and a member of the same household, as a child;”.

Amendment of the Social Security Contributions and Benefits Act

4.—(1) Section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (carer’s allowance)(3) is amended in accordance with paragraphs (2) and (3).

(2) In subsection (7)—

(a) for “be entitled for the same day to such an allowance” substitute “have a relevant entitlement for the same day”; and

(b) for “shall be entitled” in the second place that it appears, substitute “shall have that entitlement”.

(3) After subsection (7) insert—

(1) 1950 c.37; section 12(1)(d) was inserted by paragraph 38 of Schedule 10 to the Social Security Act 1986 (c.50) and was amended by paragraph 3 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992 (c.6)

(2) S.I. 1990/246 (N.I. 2)

(3) 1992 c. 7; section 70 was amended by Articles 2(2)(a) and 3 of S.R. 2002 No. 321

- “(7A) For the purposes of subsection (7) a person has a “relevant entitlement” if—
- (a) the person is entitled to a carer’s allowance, or
 - (b) the person is entitled under Article 17 of the Welfare Reform (Northern Ireland) Order 2015⁽⁴⁾ to the inclusion in an award of universal credit of an amount in respect of the fact that the person has regular and substantial caring responsibilities for a severely disabled person.”.

Amendment of the Value Added Tax Act

5.—(1) The Value Added Tax Act 1994⁽⁵⁾ is amended in accordance with paragraphs (2) and (3).

(2) In Note 6 to Group 3 in Part 2 of Schedule 7A (charge at reduced rate; meaning of qualifying person for the purposes of Group 3), in paragraph (2)(i), after “Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

(3) In Note (1D) to Group 15 in Part 2 of Schedule 8 (zero-rating) in paragraph (g) after “Welfare Reform Act 2012” insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

Amendment of the Children Order

6. In Article 24(3) of the Children (Northern Ireland) Order 1995 (recoupment of cost of providing services, etc.)⁽⁶⁾ for “or of an income-related employment and support allowance” substitute “, of an income-related employment and support allowance or of universal credit”.

Amendment of the Jobseekers Order

7. In paragraph 2 of Schedule 1 to the Jobseekers (Northern Ireland) Order 1995 (supplementary provisions: limited capability for work)⁽⁷⁾—

- (a) at the end of sub-paragraph (1) insert “or Part 2 of the Welfare Reform (Northern Ireland) Order 2015 as the Department considers appropriate in the person’s case”; and
- (b) after sub-paragraph (2) insert—

“(3) References in Part 2 of the Welfare Reform (Northern Ireland) Order 2015 to the purposes of that Part are to be construed, where the provisions of that Part have effect for the purposes of this Order, as references to the purposes of this Order.”.

Amendment of the Road Traffic Order

8. In Article 25(2)(b) of the Road Traffic (Northern Ireland) Order 1995 (payments in respect of applicants for exemption from wearing seat belts)⁽⁸⁾ after “those in receipt of” insert “universal credit”.

(4) [S.I. 2015/2006](#)

(5) [1994 c.23](#); Schedule 7A was inserted by Schedule 31 to the Finance Act 2001 (c. 9). Group 3 and the Notes to that Group were amended by paragraph 48 of Schedule 3 to the Tax Credits Act 2002 (c.21), Article 3 of [S.I. 2002/1100](#), Article 2 of [S.I. 2013/601](#) and regulation 9 of [S.I. 2013/630](#). Note (1D) of Schedule 8 was inserted by Article 8 of [S.I. 2000/805](#), substituted by paragraph 49 of Schedule 3 to the Tax Credits Act 2002 and amended by regulation 9 of [S.I. 2013/630](#)

(6) [S.I. 1995/755 \(N.I. 2\)](#)

(7) [S.I. 1995/2705 \(N.I. 15\)](#); paragraph 2 was substituted by paragraph 6(6) of Schedule 3 to, the Welfare Reform Act (Northern Ireland) 2007(c. 2)

(8) [S.I.1995/2994 \(N.I. 18\)](#)

Amendment of the Industrial Tribunals Order

9.—(1) The Industrial Tribunals (Northern Ireland) Order 1996(**9**) is amended in accordance with paragraphs (2) to (4).

(2) In Article 18 (power to provide for recoupment of benefits) in the following provisions before “jobseeker’s allowance” insert “universal credit,”—

- (a) paragraph (3)(a), (b) and (c); and
- (b) paragraph (4)(e).

(3) In Article 18(4)(cc)(**10**) before “a jobseeker’s allowance” insert “universal credit,”.

(4) In Article 19 (recoupment: further provisions)—

- (a) in the introductory words in paragraph (1) and in sub-paragraph (b) of that paragraph before “jobseeker’s allowance” insert “universal credit,”; and
- (b) after paragraph (5)(**11**) insert—

“(6) In this Article and Article 18 “universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

Amendment of the Data Protection Act

10. In paragraph 3 of the Table in section 56(6) of the Data Protection Act 1998 (prohibition of requirement as to production of certain records)(**12**) for “or Part 1 of the Welfare Reform Act (Northern Ireland) 2007” substitute “, Part 1 of the Welfare Reform Act (Northern Ireland) 2007 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

Amendment of the Welfare Reform and Pensions Order

11. In Article 69(3) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (supply of information for certain purposes)(**13**)—

- (a) after sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) for “.” substitute “, or”;
- (c) after sub-paragraph (d) insert—

“(e) Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

Amendment of the Income Tax (Earnings and Pensions) Act

12.—(1) The Income Tax (Earnings and Pensions) Act 2003(**14**) is amended in accordance with paragraphs (2) and (3).

(2) In section 318D(2) (childcare: power to vary exempt amount and qualifying conditions) after “or section 12 of the Welfare Reform Act 2012” insert “or Article 17 of the Welfare Reform (Northern Ireland) Order 2015”.

(9) [S.I. 1996/1921 \(N.I. 18\)](#); Articles 18(3)(a), (b) and (c) and (4)(cc) and (e) and Article 19(1) were amended by paragraph 9 of Schedule 3 to the Welfare Reform Act (Northern Ireland) [2007 \(c. 2\)](#)

(10) Article 18(4)(cc) was inserted by paragraph 118 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 ([S.I. 1998/1506 \(N.I. 10\)](#))

(11) Article 19(5) was added by sections 28(1), 60(1) and Schedule 3 paragraph 9(4) of the Welfare Reform Act (Northern Ireland) [2007 \(c. 2\)](#) and Article 2(2)(c) and Part 1 of the Schedule to [S.R. 2008 No. 276](#)

(12) [1998 c. 29](#); paragraph 3 of the Table in section 56(6) was amended by regulation 4 of [S.R. 2011 No. 357](#)

(13) [S.I. 1999/3147 \(N.I. 11\)](#). Article 69(3) was amended by paragraph 12 of Schedule 3 and Schedule 8 to the Welfare Reform Act (Northern Ireland) [2007 \(c. 2\)](#) and sections 36 (1) (a) and 2(6) of the Welfare Reform Act (Northern Ireland) [2010 \(c. 13\)](#)

(14) [2003 c. 1](#); section 318D was inserted by paragraph 1 of Schedule 13 to the Finance Act [2004 \(c. 12\)](#) and amended by paragraph 6 of Schedule 8 to the Finance Act [2011 \(c. 11\)](#) and regulation 16 of [S.I. 2013/630](#)

- (3) In section 675(2) (interpretation)(**15**)—
- (a) omit the definitions of “contribution-based jobseeker’s allowance” and “income-based jobseeker’s allowance”;
 - (b) in the appropriate places insert—
 - ““contribution-based jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on the claimant satisfying conditions which include those set out in Article 4 of the JS(NI)O 1995;”;
 - and
 - ““income-based jobseeker’s allowance” means a jobseeker’s allowance entitlement to which is based on the claimant satisfying conditions which include those set out in Article 5 of the JS(NI)O 1995 or a joint-claim jobseeker’s allowance (which means a jobseeker’s allowance entitlement to which arises by virtue of Article 3(2B) of the JS(NI)O 1995);”.

Amendment of the Housing (Northern Ireland) Order

13.—(1) The Housing (Northern Ireland) Order 2003(**16**) is amended in accordance with paragraphs (2) to (4).

(2) In Article 37(3) (ineligible applicants), after “housing benefit,” insert “universal credit.”

(3) In Article 94(10) (persons eligible to participate in group repair scheme), after “housing benefit,” insert “universal credit.”

(4) In Article 109(3) (power to make further provisions by regulations), after “housing benefit,” insert “universal credit.”

Amendment of the Gender Recognition (Application Fees) Order

14. In paragraph 1(1) of the Schedule to the Gender Recognition (Application Fees) Order 2006(**17**) in sub-paragraph (o) of the definition of “excluded benefits”, after “2013” insert “or the Universal Credit Regulations (Northern Ireland) 2016”.

Amendment of the Private Tenancies Order

15. In Article 54 of the Private Tenancies (Northern Ireland) Order 2006(**18**) (amounts attributable to services) after “Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c.7)” insert “or to assist the Department in the administration of universal credit”.

Amendment of the Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order

16.—(1) The Naval, Military and Air Forces Etc (Disablement and Death) Service Pensions Order 2006(**19**) is amended in accordance with paragraphs (2) to (5).

(2) For Article 10(4)(b) (severe disablement occupational allowance)(**20**) substitute—

“(b) an allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare

(15) Section 675 was amended by regulation 167 of [S.I. 2005/3229](#)

(16) [S.I. 2003/412 \(N.I. 2\)](#)

(17) [S.I. 2006/758](#); the Schedule was inserted by Article 4(7) of and the Schedule to, [S.I. 2013/2302](#) and amended by Article 6(1) and (2) of [S.I. 2014/590](#)

(18) [S.I. 2006/1459 \(N.I. 10\)](#)

(19) [S.I. 2006/606](#)

(20) Article 10 was amended by paragraphs 10 and 11 of Schedule 1 to [S.I. 2008/679](#), Article 4 of [S.I. 2009/706](#) and regulation 49(2) of [S.I. 2013/630](#)

Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 as that Part has effect apart from those provisions.”.

- (3) In Article 15(2)(b)(iii) (allowance for lowered standard of occupation)(**21**)—
- (a) at the end of sub-paragraph (cc) omit “or”;
 - (b) at the end of sub-paragraph (dd) insert “or”; and
 - (c) after sub-paragraph (dd) insert—
 - “(ee) an award of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that the member has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations.”.
- (4) In Article 50(3) (payment of public claims out of pensions)(**22**)—
- (a) at the end of sub-paragraph (ab) omit “or”; and
 - (b) after sub-paragraph (ab) insert—
 - “(ac) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015; or”.
- (5) In Article 56(3) (abatment of awards in respect of social security benefits)(**23**)—
- (a) at the end of sub-paragraph (i) add “;”; and
 - (b) after sub-paragraph (i) add—
 - “(j) the corresponding provisions of the Welfare Reform (Northern Ireland) Order 2015.”

(21) Article 15(2) was substituted by Article 6 of [S.I. 2009/706](#) and amended by regulation 49(3) of [S.I. 2013/630](#)

(22) Article 50(3) was amended by paragraph 12 of Schedule 1 to [S.I. 2008/679](#), Article 11 of [S.I. 2009/706](#) and regulation 49(4) of [S.I. 2013/630](#)

(23) Article 56(3) was amended by Article 13 of Schedule 1 to [S.I. 2008/679](#), Article 13 of [S.I. 2009/706](#), regulation 38 of [S.I. 2013/388](#) and regulation 49 (5) of [S.I. 2013/630](#)