
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 236

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

PART 3

AMENDMENTS OF SECONDARY LEGISLATION

CHAPTER 2

CHILD SUPPORT

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations

37.—(1) The Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992⁽¹⁾ are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation)

- (a) at the end of the definition of “relevant person” for “.” substitute “;”;
- (b) after the definition of “relevant person” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

(3) In regulation 22 (date from which a superseding decision takes effect)⁽²⁾—

- (a) at the beginning of paragraphs (3), (5), (10), (12), (13) and (20) insert “Subject to paragraph (25),”;
- (b) at the beginning of paragraph (1) after “paragraph (2)” insert “or (25)”;
- (c) in paragraph (4) for “paragraph (19)” substitute “paragraphs (19) and (25)”;
- (d) after paragraph (24) insert—

“(25) Where a superseding decision is made under regulation 19(2) or (3) with respect to the circumstance that a parent with care or an absent parent—

- (a) has been awarded universal credit on the basis that they have no earned income;
- (b) was awarded universal credit on that basis and their award has been revised or superseded on the basis of their having, at the time the award was made or after that time, earned income; or

(1) [S.R. 1992 No. 340](#). The Regulations are revoked in certain cases by [S.R. 2001 No. 17](#) (as amended by [S.R. 2003 No. 469](#) and [S.R. 2003 No. 91](#)) and [S.R. 2012 No. 438](#)

(2) Regulation 22 was amended by regulation 4(5) of [S.R. 2000 No. 215](#), regulation 5(3) of [S.R. 2003 No. 224](#), regulation 2(5) of [S.R. 2005 No. 125](#), regulation 2(6) of [S.R. 2008 No. 404](#), regulation 2(3) of [S.R. 2009 No. 363](#), regulation 2(4) of [S.R. 2011 No. 226](#) and regulation 2 of [S.R. 2012 No. 163](#)

(c) was awarded universal credit on the basis that they had earned income and their award has been revised or superseded on the basis of their not having, at the time the award was made or after that time, earned income, the decision takes effect from the first day of the maintenance period in which the award of universal credit, or the revision or supersession of such an award, as the case may be, took effect or is due to take effect.

(26) For the purposes of paragraph (25) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations

38.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992⁽³⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “claimant” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Order as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Order as that Order has effect apart from those provisions;” and

(b) after the definition of “training allowance” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

(3) After regulation 10B (Assessable income: state pension credit paid to or in respect of a parent with care or an absent parent)⁽⁴⁾ insert—

“Assessable income: universal credit paid to or in respect of the parent concerned

10C.—(1) The circumstances prescribed for the purpose of the reference to universal credit in sub-paragraph (4) of paragraph 5 of Schedule 1 to the Child Support (Northern Ireland) Order 1991⁽⁵⁾ (as that paragraph has effect apart from section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000) are where the universal credit that is paid to or in respect of the parent concerned is calculated on the basis that the parent has no earned income.

(2) In paragraph (1) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(4) After paragraph 7 of Schedule 2 (amounts to be disregarded when calculating or estimating N and M) insert—

“**7A.** Any payment of universal credit.”.

(3) S.R. 1992 No. 341; the Regulations were revoked in certain cases by S.R. 2001 No. 17 (as amended by S.R. 2003 No. 91) and S.R. 2012 No. 438

(4) Regulation 10B was inserted by regulation 3(4) of S.R. 2003 No. 469

(5) S.I. 1991/2628 (N.I. 23)

Amendment of the Child Support Departure Direction and Consequential Amendments Regulations

39.—(1) The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996⁽⁶⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1 (interpretation), after the definition of “relevant person” insert—

““relevant universal credit” means, in relation to an absent parent or parent with care, an award of universal credit made to the parent in question, where the award is calculated on the basis that the parent does not have any earned income;”

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”; and”

(a) after paragraph (2) insert—

“(3) For the purposes of the definition of “relevant universal credit” in paragraph (2), “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(3) In regulation 9 (departure directions and persons in receipt of income support etc.)⁽⁷⁾—

(a) in the heading to the regulation, after “jobseeker’s allowance” insert “, universal credit”;

(b) in paragraph (1)—

(i) in sub-paragraphs (a) and (c) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or relevant universal credit”, and

(ii) in sub-paragraph (b) for “or working tax credit” substitute “, working tax credit or relevant universal credit”; and

(c) in paragraph (3)—

(i) in sub-paragraphs (a) and (c) for “or income-based jobseeker’s allowance” substitute “, income-based jobseeker’s allowance or relevant universal credit”; and

(ii) in sub-paragraph (b) for “or working tax credit” substitute “, working tax credit or relevant universal credit”.

(4) In regulation 12 (meaning of “benefit” for the purposes of Article 28E of the Order)⁽⁸⁾, for “and housing benefit” substitute “, housing benefit and relevant universal credit”.

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations

40.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001⁽⁹⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)⁽¹⁰⁾—

(a) after the definition of “child tax credit” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under

⁽⁶⁾ S.R. 1996 No. 541; The Regulations were revoked in certain cases by S.R. 2001 No. 17 (amended by S.R. 2003 No. 91) and S.R. 2012 No. 438

⁽⁷⁾ Regulation 9 was substituted by regulation 9(3) of S.R. 1998 No. 8 and amended by regulation 6(2) of S.R. 2003 No. 84, regulation 4(2) of S.R. 2003 No. 469 and regulation 21(3) of S.R. 2008 No. 286

⁽⁸⁾ Regulation 12 was amended by regulation 6(3) of S.R. 2003 No. 84, regulation 4(3) of S.R. 2003 No. 469 and regulation 21(4) of S.R. 2008 No. 286

⁽⁹⁾ S.R. 2001 No.18; The Regulations were revoked in certain cases by S.R. 2012 No. 438

⁽¹⁰⁾ In regulation 1(2) the definition of “child tax credit” was inserted by regulation 9(2)(a) of S.R. 2003 No. 84

the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;” and

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare 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 as that Part has effect apart from those provisions;”.

(3) In regulation 4 (flat rate)(**11**)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (c) omit “and”,

(ii) at the end of sub-paragraph (d) insert “and”, and

(iii) after sub-paragraph (d) insert—

“(e) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income.”; and

(b) after paragraph (3) insert—

“(4) For the purposes of paragraph (2)(e) and regulation 5(d) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(4) In regulation 5(1)(d) (nil rate)(**12**)—

(a) at the end of paragraph (i) omit “or”;

(b) after paragraph (ii) insert—

“(iii) in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that they do not have any earned income; or

(iv) in a case not covered by paragraph (iii), a member of a couple where their partner is in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 and the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income;”.

Amendment of the Child Support Maintenance Calculation Regulations

41.—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(**13**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Contributions and Benefits Act” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”, and

(b) for the definition of “contributory employment and support allowance” substitute—

(11) Regulation 4(2) was amended by regulation 33(3) of [S.R. 2003 No. 191](#) and regulation 26(3)(b)(i) of [S.R. 2008 No. 286](#)

(12) Regulation 5(d) was amended by regulation 26(4) of [S.R. 2008 No. 286](#)

(13) [S.R. 2012 No. 427](#)

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare 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 2007 as that Part has effect apart from those provisions.”.

(3) In regulation 43 (flat rate)—

(a) in paragraph (2)—

- (i) at the end of paragraph (c) omit “and”, and
- (ii) at the end of paragraph (d) insert “and”,
- (iii) after paragraph (d) insert—

“(e) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income.”; and

(b) after paragraph (4) insert—

“(5) For the purposes of paragraph (2)(e) and regulation 44(1)(c) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(4) In regulation 44(1)(c) (nil rate)—

- (a) at the end of paragraph (i) omit “or”; and
- (b) after paragraph (ii) insert—

“(iii) in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015, where the award of universal credit is calculated on the basis that they do not have any earned income; or

- (iv) in a case not covered by paragraph (iii), a member of a couple where their partner is in receipt of universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 and the award of universal credit is calculated on the basis that the non-resident parent does not have any earned income;”.