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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 prescribes the description of persons, who in addition to those listed in section 103B(2) and (2A) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) (“the 1992 Act”) may be required to provide certain information to Authorised Officers (within the meaning of section 115CA(2) of that Act) about possible or actual commission of offences relating to social security benefits. They are—

- those who provide relevant childcare;
- those to whom a person in receipt of universal credit is liable to make rent payments in respect of accommodation they occupy, or purport to occupy, as their home where the award of universal credit includes an amount in respect of those payments;
- a person who makes a determination in respect of housing costs for the purposes of Universal Credit; and
- an officer of the Department of Finance to the extent that the information required relates to rates relief.

Subsection (2)(ia) of section 103B of the 1992 Act was inserted by Article 112 of the Welfare Reform (Northern Ireland) Order 2015 (“the Order”) and brought into force on 17th February 2016 by virtue of Article 3(4) of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 1) Order 2016 (S.R. 2016 No. 46 (C. 2)).

Regulation 3 makes amendments to the Discretionary Financial Assistance Regulations (Northern Ireland) 2001 (S.R. 2001 No.216) to provide that a discretionary housing payment may be awarded to a person for any universal credit assessment period when the person would have been entitled to universal credit housing costs were it not for the fact that the person occupied specified accommodation (defined in paragraph 4 of Schedule 1 to the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) (“the Universal Credit Regulations”) or temporary accommodation.

Regulations 4 and 5 make amendments to the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) (the “Housing Benefit Regulations 2006”) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) (the “Housing Benefit SPC Regulations”) to make provision for changes brought about for Housing Benefit only in the equivalent Great Britain Universal Credit (Transitional Provisions) and Housing Benefit (Amendment) Regulations 2013 (S.I. 2013/2070).

Regulation 4 amends the Housing Benefit Regulations to allow for circumstances where a claimant or a claimant’s partner is in receipt of universal credit and housing benefit at the same time.

Regulation 5 amends the Housing Benefit SPC Regulations to ensure that where a claimant is on universal credit and is also receiving housing benefit to cover some or all of their housing costs the Housing Benefit Regulations 2006, rather than the Housing Benefit SPC Regulations, apply.

Regulation 6(2)(a), (3), (4) and (5)(a) removes the provisions in the Universal Credit Regulations which apply a 7 day period at the start of certain claims for universal credit in which entitlement does not arise (“waiting days”). Regulation 9(11) removes the provision in the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 226) (the “Transitional Regulations”) exempting universal credit claims made by certain individuals migrating from existing benefits from the application of waiting days.

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Regulation 6(5)(b) amends regulation 22 of the Universal Credit Regulations and regulation 6(6) inserts new regulation 22A into those regulations to make provision for cases where there is a change in the first date of a claimant's entitlement to universal credit after the assessment period cycle for the award has been established. Where adjusting that cycle retrospectively would cause unnecessary disruption to the administration of the claim, provision is made for the length of the first assessment period to be adjusted as necessary in order that subsequent assessment periods remain as previously fixed.

Regulation 6(7) increases the work allowances specified in the table in regulation 23 of the Universal Credit Regulations.

Regulation 6(8) substitutes a new regulation 54 to be inserted into the Universal Credit Regulations. Regulation 54 provides for surplus earnings in the assessment period where an award of universal credit terminates, or in any of the following 5 months, to be carried forward as earned income in relation to a new claim. The main change in the substituted regulation 54 is that the calculation of surplus earnings will only take account of earned income in a month for which universal credit is claimed. There are also some changes to the calculation of surplus earnings where couples separate or form.

Regulation 6(9) inserts a new transitional provision into the Universal Credit Regulations. This increases the £300 de minimis amount (applied in the calculation of surplus earnings) to £2,500 for the 12 months from the coming into force of regulation 54 of the Universal Credit Regulations. That period may be extended by the Department in order to safeguard the efficient administration of universal credit.

Regulation 6(10) amends regulation 57(2) of the Universal Credit Regulations, which deals with the deduction of income tax and national insurance contributions in the calculation of self-employed earnings. From 14th February 2018 (and in anticipation of the abolition of Class 2 contributions) it substitutes a general reference for the specific references to Class 2 and Class 4 contributions.

Regulation 6(11) amends regulation 58 of the Universal Credit Regulations, the main change is the removal of the restriction which only allows losses from 11 previous assessment periods to be taken into account. The other change (corresponding with the amendments to regulation 54) is that losses incurred during the 6 month period between awards are only available in relation to a month in respect of which a claim has been made.

Regulation 6(12) amends regulation 66 of the Universal Credit Regulations to allow for foreign state pension income and Pension Protection Fund periodic payments to be taken into account as unearned income in universal credit. These changes mirror the rules which apply in other legacy benefits such as state pension credit. Provision is also made for state retirement pension income to be taken into account in universal credit net of any deductions applied under overlapping benefit rules, in the same way as other unearned state benefits.

Regulation 6(13) amends regulation 76 of the Universal Credit Regulations to provide that funds provided by the Secretary of State for the purpose of compensation or support relating to the terrorist attacks in London on 22nd March or 3rd June, or the Manchester bombing on 22nd May 2017 are to be disregarded in the calculation of claimants' capital and income.

Regulation 6(14) amends regulation 83 to alter the benefits the non-receipt of which (for the reasons stated in the regulation) results in the benefit cap not being applied in relation to an assessment period.

Regulation 6(15) amends regulation 88 of the Universal Credit Regulations in relation to a claimant who is receiving education and who is entitled to universal credit because they are a member of a couple. Such a claimant will not be subject to work-related requirements if they have student income taken into account in the calculation of their universal credit award.

Regulations 6(16) and 7 amend regulation 97 of the Universal Credit Regulations and regulation 16 of the [Jobseeker's Allowance Regulations \(Northern Ireland\) 2016](#) ("the [Jobseekers Allowance Regulations](#)") respectively. Regulation 97(7) of the Universal Credit Regulations makes provision

for work search and work availability requirements to be switched off for claimants suffering ill-health for up to two periods of 14 days in a rolling 12 month period. The amendments apply to claimants who have undergone a work capability assessment and been found not to have limited capability for work or who are treated as not having limited capability for work because they have failed to provide information or to attend a medical examination. In other words, claimants who are, or are treated as being, fit for work. If such a claimant produces evidence that they are unfit for work and the condition referred to in the evidence is the same, or substantially the same, as the condition referred to in the evidence produced before the claimant was assessed/treated as not having limited capability for work, requirements will only be switched off if the claimant has been referred for another assessment as to their capability for work. If such a claimant has not been referred for another assessment, regulation 97(11) is amended so that work search and work availability requirements may still be switched off if it would be unreasonable for a claimant to comply. Similar amendments are made to regulation 16 of the Jobseeker's Allowance Regulations.

Regulation 6(17)(c) extends the date the transitional provision contained in regulation 115 of the Universal Credit Regulations until 8th May 2018.

Regulation 6(18) amends Schedule 1 to the Universal Credit Regulations to prevent payments for temporary accommodation being classed as rent payments for the purposes of calculating the housing element of universal credit, and makes other consequential changes to that Schedule. Regulation 3(13)(a), (b)(i)(bb) and (ii) and (c) to (h) makes consequential amendments to Schedule 4 of the Universal Credit Regulations to omit references to temporary accommodation which are no longer necessary. Regulation 3(2)(c) makes minor consequential amendments.

Regulation 6(19) amends paragraph 4B(1)(b) of Schedule 4 to the Universal Credit Regulations. Paragraph 4A of Schedule 4 to those Regulations makes provision for certain renters aged 18 to 21 to not receive the housing costs element of universal credit and paragraph 4B of that Schedule sets out when paragraph 4A does not apply and where claimants may remain entitled to the housing costs element. The amendment makes provision so that any universal credit claimant aged 18 to 21 who is in receipt of attendance allowance, including armed forces independence payment (which is included in the definition of attendance allowance in regulation 2 of the Universal Credit Regulations), may still be eligible to receive the housing costs element.

Regulation 8(2) amends regulation 33 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 (S.R. 2106 No. 221) ("the Decision and Appeals Regulations") to reduce the time in which a claimant is required to supply information and evidence when making an application for a supersession in relation to a change of circumstances advantageous to the claimant, from one month to 14 days.

Regulation 8(3) amends Schedule 1 to the Decisions and Appeals Regulations to create a new default date for new legislative provisions to come into effect for universal credit. The amendment provides that the default date on which new legislation will take effect in relation to supersession decisions arising from a change of legislation will be, where there is an existing award of universal credit, the first day of the assessment period that begins on or after the day on which the change has effect or, in other cases, the date on which the change has effect.

Regulation 9(2) inserts a definition of "temporary accommodation" into the Transitional Regulations. Regulation 9(3), (5), (6)(c) and (9)(b) amend various provisions in the Transitional Regulations which allow for dual entitlement to universal credit and housing benefit in respect of claimants occupying specified accommodation, so that they also apply to claimants who are occupying temporary accommodation (and those receiving transitional housing payments under regulation 6(2A) (inserted by regulation 9(7)(b) of these Regulations)). Regulation 9(4) inserts new regulation 3A into the Transitional Regulations. The new regulation provides that where in a universal credit assessment period a person is entitled to universal credit (without the housing costs element) and is also entitled to housing benefit for temporary accommodation, the person is to be

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treated for the purposes of work allowances in universal credit as though the person were entitled to universal credit with the housing costs element.

Regulation 9(6)(a) and (b) provides for a transitional housing payment for claimants who migrate to universal credit when they are in receipt of housing benefit. The new paragraph (2A), which is inserted into regulation 6 (termination of existing benefits), allows a housing benefit award to continue for a period of two weeks beyond the day on which the person becomes entitled to universal credit. Regulation 9(7) also inserts a new regulation 6A which provides that, pending the decision on the claim, the claimant is treated as entitled to universal credit for the purposes of the housing benefit award, and where the claimant makes a claim for universal credit because they have moved home, housing benefit will be paid directly to the claimant for the period of two weeks beginning with the day on which they become entitled to universal credit. Regulation (10)(a) makes minor consequential amendments.

Regulation 9(8) amends regulation 9 of the Transitional Regulations to enable a tax credits claimant who makes a late declaration under section 17 of the Tax Credits Act 2002 (c. 21) to be treated in certain circumstances as entitled to a tax credit with effect from the start of the tax year.

Regulation 10(1) and (2) makes saving in respect of the amendments in these Regulations concerning temporary accommodation. The amendments will not apply to an award of universal credit that exists on 7th May 2018 which then includes the housing costs element for temporary accommodation until the claimant's liability to pay rent or service charges changes or the award ceases to include the housing costs element, whichever occurs first.

An impact assessment has not been produced for this instrument as it has no impact on business or on civil society organisations. This instrument has no impact on the public sector.