
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 116

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2017**

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

9.—(1) The Universal Credit Regulations (Northern Ireland) 2016(1) are amended in accordance with paragraphs (2) to (19).

(2) In regulation 12(4) (meaning of “receiving education”) for “paragraph (1)” substitute “paragraph (2)”.

(3) In regulation 47 (jointly held capital)—

(a) renumber the existing provision as paragraph (1); and

(b) after paragraph (1) add—

“(2) Any premises or land not wholly owned by the claimant are to be disregarded for such period as is reasonable in the circumstances to enable the collection of such information as is necessary to determine the treatment of capital in accordance with paragraph (1).”

(4) In regulation 54(6) (surplus earnings)—

(a) in the definition of “the nil UC threshold” for the formula substitute—

$$\text{“} \frac{(M - U) \times 100}{65} + WA \text{”}$$

(b) in the appropriate place insert “the old award” does not include an award the last day of which falls before 2nd April 2018”.

(5) In regulation 57 (self-employed earnings – treatment of losses), in Step 3, paragraphs (c) and (d) are re-lettered (a) and (b).

(6) In regulation 58 (unused losses) after paragraph (1) insert—

“(1A) In this regulation “unused loss” does not include the loss from an assessment period that ends before 2nd April 2018.”.

(7) In regulation 89(4) (claimants subject to no work related requirements – the earnings thresholds) in the full-out words at the end of the paragraph for “regulation 4A(a)(d)” substitute “regulation 4A(1)(d)”.

(8) In regulation 96(5) (victims of domestic violence) for paragraph (c) of the definition of “registered social worker” substitute—

“(c) Social Care Wales, or”.

(9) In Chapter 2 of Part 8 (sanctions) before regulation 98 (general principles for calculating reduction periods) insert—

“Interpretation

97A.—(1) This chapter contains provisions about the reduction in the amount of an award of universal credit in the event of a failure by a claimant which is sanctionable under Article 31 or 32 of the Order (“a sanctionable failure”).

(2) In this chapter references to a “current sanctionable failure” are to a sanctionable failure in relation to which the Department has not yet determined whether the amount of an award of universal credit is to be reduced under Article 31 or 32 of the Order.”.

(10) In regulation 98 (general principles for calculating reduction period)—

- (a) in paragraph (3), for “100” substitute “99”;
- (b) omit paragraph (4).

(11) In regulation 99 (higher-level sanctions)—

- (a) for paragraph (2) substitute—

“(2) Where the sanctionable failure is not a pre-claim failure, the reduction in the circumstances described in the first column of the following table is the period set out in—

- (a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;
- (b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
Where there has been no previous sanctionable failure by the claimant giving rise to a higher-level sanction	91 days	14 days
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	91 days	14 days
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 14 days		28 days
(b) 28 days		28 days
(c) 91 days	182 days	
(d) 182 days	546 days	
(e) 546 days	546 days	

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
Where there have been one or more previous sanctionable failures by the claimant giving rise to a higher-level sanction and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—		
(a) 14 days		14 days
(b) 28 days		28 days
(c) 91 days	91 days	
(d) 182 days	182 days	
(e) 546 days	546 days	-.”;

(b) for paragraph (5) substitute—

“(5) In this regulation—

“higher-level sanction” means a sanction under Article 31 of the Order;

“pre-claim failure” means a failure sanctionable under Article 31(4) of the Order.”.

(12) For regulation 100(2) (medium-level sanction) substitute—

“(2) The reduction in the circumstances described in the first column of the following table is the period set out in—

- (a) the second column, where the claimant is aged 18 or over on the date of the sanctionable failure;
- (b) the third column, where the claimant is aged 16 or 17 on the date of the sanctionable failure.

<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	28 days	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	28 days	7 days

Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period

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<i>Circumstances in which reduction period applies</i>	<i>Reduction period where claimant aged 18 or over</i>	<i>Reduction period where claimant aged 16 or 17</i>
applicable to the most recent previous sanctionable failure is—		
(a) 7 days		14 days
(b) 14 days		14 days
(c) 28 days	91 days	
(d) 91 days	91 days	

Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—

(a) 7 days		7 days
(b) 14 days		14 days
(c) 28 days	28 days	
(d) 91 days	91 days	-.”;

(13) In regulation 101 (low-level sanctions)—

(a) for paragraph (2)(b) substitute—

“(b) in the circumstances described in the first column of the following table, the number of days set out in the second column.

<i>Circumstances applicable to the claimant’s case</i>	<i>Number of days</i>
Where there has been no previous sanctionable failure by the claimant that falls within paragraph (1)	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is not within 365 days beginning with the date of the current sanctionable failure	7 days
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—	
(a) 7 days	14 days
(b) 14 days	28 days
(c) 28 days	28 days

<i>Circumstances applicable to the claimant's case</i>	<i>Number of days</i>
Where there have been one or more previous sanctionable failures by the claimant that fall within paragraph (1) and the date of the most recent previous sanctionable failure is within 14 days beginning with the date of the current sanctionable failure and the reduction period applicable to the most recent previous sanctionable failure is—	
(a) 7 days	7 days
(b) 14 days	14 days
(c) 28 days	28 days.”;

(b) for paragraph (3)(b) substitute—

“(b) if there was another sanctionable failure of a kind mentioned in paragraph (1) within 365 days, but not within 14 days, beginning with the date of the current sanctionable failure, 7 days.”.

(14) For regulation 114(2) and (3) (recoverability of hardship payments) substitute—

“(2) Paragraph (1) does not apply in relation to any assessment period in which—

- (a) the single claimant, or each joint claimant, falls within Article 24 of the Order by virtue of regulation 89 (claimants subject to no work-related requirements – the earnings threshold);
- (b) where regulation 89 applies to one of the joint claimants only, the joint claimants’ combined monthly earnings are equal to or exceed the amount of the individual threshold; or
- (c) where regulation 89 does not apply to the single claimant or to either of the joint claimants, that claimant or joint claimants’ combined monthly earnings are equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12.

(3) Paragraph (1) ceases to apply where, since the last day on which the claimant’s or the joint claimants’ award was subject to a reduction under Article 31 or 32 of the Order—

- (a) the single claimant, or each joint claimant, has fallen within Article 24 of the Order by virtue of regulation 89 (claimants subject to no work-related requirements – the earnings threshold);
- (b) where regulation 89 applied to one of the joint claimants only, the joint claimants’ have had combined monthly earnings that are equal to or exceed the amount of the individual threshold; or
- (c) where regulation 89 did not apply to the single claimant or to either of the joint claimants, that claimant or the joint claimants’ have had combined monthly earnings that are equal to or exceed the amount that a person of the same age as the claimant, or the youngest of the joint claimants, would be paid at the hourly rate specified in regulation 4 or regulation 4A(1)(a) to (c) of the National Minimum Wage Regulations for 16 hours per week, converted to a monthly amount by multiplying by 52 and dividing by 12,

for a period of, or more than one period where the total of those periods amounts to, at least 6 months.”.

(15) After regulation 114 insert—

“Transitional Provision

115.—(1) Until the date determined in accordance with paragraph (6), these regulations have effect subject to the following modifications.

(2) Omit regulation 54 (surplus earnings), as amended by regulation 9(4) of the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2017(2), and regulation 58 (unused losses).

(3) In regulation 57 (self-employed earnings- treatment of losses)—

(a) for paragraph (2) substitute—

“(2) A person’s self-employed earnings in respect of an assessment period are to be calculated by taking the amount of the gross profits (or, in the case of a partnership, the person’s share of those profits) of the trade, profession or vocation and deducting from that amount—

(a) any payment made to HMRC in the assessment period in respect of the trade, profession or vocation by way of—

(i) Class 2 contributions payable under section 11(2), (6) or (8) of the Contributions and Benefits Act or any Class 4 contributions payable under section 15 of that Act, or

(ii) income tax; and

(b) any relievable pension contributions made by the person in the assessment period (unless a deduction has been made in respect of those contributions in calculating a person’s employed earnings).

(3) The gross profits of the trade, profession or vocation in respect of an assessment period are the actual receipts in that period less any deductions for expenses allowed under regulation 58 or 59.”;

(b) in paragraph (3), for “paragraph (2)” substitute “paragraph (3)”.

(4) In regulation 59(3) (permitted expenses), after sub-paragraph (a) insert—

“(aa) any loss incurred in respect of a previous assessment period;”.

(5) In regulation 63 (minimum income floor), omit paragraph (5).

(6) The date is 2nd April 2018 or, in respect of an existing award of Universal Credit where 2nd April 2018 is not the first day of an assessment period, the first day of the next assessment period.”.

(16) In paragraph 1 (interpretation) of Schedule 1 (meaning of payments in respect of accommodation)—

(a) for the definition of “approved premises” substitute—

““approved premises” means hostels which receive grants for housing support services under Article 4 of the Housing Support Services (Northern Ireland) Order 2002 in respect of offenders, with bed spaces allocated for criminal justice referrals;”(3); and

(b) in the definition of “care home” after “Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003” insert “, or a nursing home as defined in Article 11 of that Order”.

(2) S.R. 2017 No. 116.

(3) S.I. 2002/3154 (N.I. 8).

(17) In paragraph 15(f)(iii) (no deduction for housing cost contributions in respect of certain non-dependants) of Schedule 4 (housing costs element for renters) for “the Social Security (General Benefit) Regulations 1982” substitute “the Social Security (General Benefit) Regulations (Northern Ireland) 1984”.

(18) In paragraph 7(4)(b) (application of paragraph 5: joint owner-occupiers ceasing to be a couple) of Schedule 5 (housing costs element for owner-occupiers for “regulation 9(6)” substitute “regulation 8(6)”.

(19) In Schedule 10 (capital to be disregarded) after paragraph 20(4) add—

“**21.** An ex-gratia payment made by the Secretary of State for Northern Ireland to members of the families of the disappeared, but only for a period of 52 weeks from the date of receipt of that payment.

22. A payment made under Article 10 of the Victims and Survivors (Northern Ireland) Order 2006(5).”.

(4) Paragraph 20 is inserted by Article 28(4) of S.R 2017 No. 66.

(5) S.I. 2006/2953 (N.I. 17).