
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995, the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“ESA Regulations 2008”) and the Employment and Support Allowance Regulations (Northern Ireland) 2016 limit the period for which claimants who are or who are treated as incapable of work or who have or who are treated as having limited capability for work (but not limited capability for work related activity) may undertake exempt work while continuing to be entitled to benefit. Under those Regulations, that period is limited to 52 weeks. As a result of the amendments in regulations 2 to 4, that limit is removed.

Regulation 5 makes amendments to the hardship provisions inserted into the ESA Regulations 2008 by the Employment and Support Allowance (Sanctions) (Amendment) Regulations (Northern Ireland) 2016 ([S.R. 2016 No.240](#)), which come into operation immediately upon the coming into operation of the Universal Credit Regulations (Northern Ireland) 2016 ([S.R. 2016 No.216](#)). This regulation amends the way that the amount of any hardship payment is to be calculated so that:

- (a) claimants will receive 80% of their prescribed amount where they are not in receipt of a work-related activity component as part of their award of employment and support allowance and either they or a member of their family is either:
 - (i) pregnant, or
 - (ii) seriously ill;
- (b) in all other cases a claimant will receive 60% of their prescribed amount.

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