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STATUTORY RULES OF NORTHERN IRELAND

2020 No. 242

SOCIAL SECURITY

**The Social Security (Coronavirus) (Further Measures)
(Amendment) and Miscellaneous Amendment Regulations
(Northern Ireland) 2020**

Made - - - - 6th November 2020

Coming into operation in accordance with regulation 1

The Department for Communities^(a) makes the following Regulations, in exercise of the powers conferred by sections 70(8), 167D, and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992^(b) and now vested in it^(c) and Article 48(1), (2) and (4) and paragraph 4(1), (3)(a) and (4) of Schedule 1 and paragraphs 1 and 4(1)(a) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015^(d).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Coronavirus) (Further Measures) (Amendment) and Miscellaneous Amendment Regulations (Northern Ireland) 2020 and, subject to paragraph (2), come into operation on 12th November 2020.

(2) Regulation 3 comes into operation on 24th November 2020.

(3) The Interpretation Act (Northern Ireland) 1954^(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment to the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland)

2. In regulation 10 of the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020^(f)—

(a) in paragraph (2), for “2, 6, 7, 8 and 9” substitute “6 and 7”;

(b) after paragraph (2) insert—

“(2A) Regulation 2 ceases to have effect on 30th April 2021.

(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(b) 1992 c. 7; section 167D was inserted by Article 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(c) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016

(d) S.I. 2015/2006 (N.I. 1)

(e) 1954 c. 33 (N.I.)

(f) S.R. 2020 No. 53; to which there is an amendment not relevant to these Regulations

(2B) Regulations 8 and 9 cease to have effect on 12th May 2021.”.

Amendment of the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations (Northern Ireland)

3. In paragraph (1) as inserted by regulation 7(3)(b) of the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations (Northern Ireland) 2020(a), for “state pension credit” substitute “housing benefit”.

Sealed with the Official Seal of the Department for Communities on 6th November 2020

(L.S.)

Anne McCleary

A senior officer of the Department for Communities

(a) S.R. 2020 No. 119

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations amends the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 53) (“the Further Measures Regulations”) in response to the continuing outbreak of Coronavirus disease in Northern Ireland.

Regulation 2 of the Further Measures Regulations gave the Department discretion to apply a number of measures in relation to the minimum income floor (“MIF”), which applies to self-employed claimants in universal credit.

Regulation 8 of the Further Measures Regulations enables any period during which a person is infected or contaminated with Coronavirus disease, in isolation or caring for a child or qualifying young person in their household who is so infected or contaminated or is in isolation, to not be counted towards a period of sickness under regulation 55 or 55ZA of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No.198) or regulation 45 or 46 of the Jobseeker’s Allowance Regulations (Northern Ireland) 2016 (S.R. 2016 No.218). This means that a person will not lose entitlement to jobseeker’s allowance because of Coronavirus disease.

Regulation 9 of the Further Measures Regulations allows carers to retain their entitlement to carer’s allowance if they have a temporary break in caring as a result of isolation due to, or infection or contamination with, Coronavirus disease of either the carer or the person cared for.

Following a review by the Department of the operation of the Further Measures Regulations, regulation 2 amends the provision by which the Further Measures Regulations expire after eight months so that regulation 2 of the Further Measures Regulations now expires on 30th April 2021 and regulations 8 and 9 now expire on 12th May 2021.

Regulation 3 of these Regulations amends a typographical defect in the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 119). The amendment ensures the correct operation of regulation 7 of those Regulations, the effect of which is as explained in the explanatory note to those Regulations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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