

**EXPLANATORY MEMORANDUM TO**

**THE SOCIAL SECURITY (CORONAVIRUS) (FURTHER MEASURES)**  
**(AMENDMENT) AND MISCELLANEOUS AMENDMENT REGULATIONS**  
**(NORTHERN IRELAND) 2020**

**S.R. 2020 No. 242**

**1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 70(8), 167D, and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 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, and is subject to the negative resolution procedure.

**2. Purpose**

- 2.1. The purpose of this rule is, to amend the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 53) and, in particular, the expiry date of regulation 2 which now expires on 30 April 2021 and regulations 8 and 9 which now expire on 12 May 2021.
- 2.2. These changes are designed to ensure financial support continues for certain claimants during the pandemic i.e. claimants receiving Jobseeker's Allowance (JSA), Universal Credit (UC) and Carer's Allowance (CA) so that they are not penalised for following Government advice.
- 2.3. The Regulations also correct a typographical error in the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 119).

### 3. Background

3.1. Following a review of the operation of the regulations by the Secretary of State this rule extends the Government's support for those people affected by Covid-19, by amending the dates on which the following three provisions will cease to have effect:

a. enabling the relaxation of the application of the Minimum Income Floor<sup>1</sup> (MIF) for self-employed UC claimants affected by the economic impact of Covid-19 in appropriate cases. It ensures that the self-employed are supported by the benefit system so that they can follow the Regional Agency for Public Health and Social Well-being guidance on social distancing and self-isolation.

b. treating a person who is infected, self-isolating or caring for a child who is infected or self-isolating as not having limited capability for work for the purposes of entitlement conditions to Jobseeker's Allowance and excluding any such period from the calculation of the maximum permitted number of sickness periods applicable to a person whilst in receipt of old style JSA or new style JSA. Currently, claimants awarded JSA can have:

- two short periods of sickness of up to 2 weeks in any jobseeking period, within each successive 12-month period, if their jobseeking period lasts longer than 12 months, or
- a third or longer period of sickness of up to 13 weeks in a fixed 12-month period starting from the first date of their sickness

before they lose entitlement to JSA. By effectively disapplying these provisions for periods of sickness related to Covid-19 it means that no one will lose entitlement to JSA because of Covid-19;

c. treat a person who is in receipt of Carer's Allowance and has only temporarily ceased providing care for the severely disabled person because either they or the cared for person are infected or contaminated with Covid-19 or are self-isolating, as continuing to meet the conditions. Where an alternative carer claims benefit for providing the necessary care and meets the qualifying

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<sup>1</sup> The MIF is an assumed level of income that is designed to encourage individuals to increase their earnings by developing their self-employment. It is determined by multiplying the number of hours claimants can reasonably be expected to work or be looking for work by the relevant national minimum wage or National Living Wage for their age, minus notional income tax and National Insurance contributions that would be payable on actual earnings at that level, to produce a net figure.

conditions, they will receive the carer benefit instead and the original carer will be advised to claim another benefit, such as UC.

3.2. The Regulations also correct a typographical error in the Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 119), to ensure the intended amendment, when those Regulations were laid, is made of S.R. 2019 No. 4 (C. 1). The amendment ensures mixed-age couples (where one partner is below and the other above pension age), have a smooth transition when moving between Universal Credit and pension age Housing Benefit.

#### **4. Consultation**

4.1. There is no requirement to consult on these Regulations.

#### **5. Equality Impact**

5.1. An equality impact assessment has not been carried out in relation to this Statutory Rule because of the need to make and lay urgently to provide support and give certainty to those affected by the Covid-19 pandemic.

#### **6. Regulatory Impact**

6.1. There is no impact on business, charities or voluntary bodies or on the public sector.

#### **7. Financial Implications**

7.1. None anticipated.

#### **8. Section 24 of the Northern Ireland Act 1998**

8.1. The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Rule –

- (a) is not incompatible with any of the Convention rights;
- (b) is not incompatible with Community law;
- (c) does not discriminate against a person or class of person on the ground of religious belief or political opinion; and
- (d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

## **9. EU Implications**

9.1. Not applicable.

## **10. Parity or Replicatory Measure**

10.1. These Regulations are equivalent to the Social Security (Coronavirus) (Further Measures) (Amendment) and Miscellaneous Amendment Regulations 2020 (S.I. 2020/1201) in Great Britain which were made on 3rd November 2020, with coming into force dates of 12th November 2020 and 24th November 2020.

## **11. Additional Information**

11.1. Guidance will be issued to Department for Communities staff prior to this Statutory Rule becoming operational.