
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide further measures in response to the present outbreak of coronavirus disease in Northern Ireland. They are in addition to those in the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 33).

Under regulation 2 the Department has the discretion to apply a number of measures in relation to the minimum income floor (MIF), which applies to self-employed claimants in universal credit. The Department may reduce MIF to a lesser amount (including zero), delay making a determination that a person is in gainful self-employment, treat a person as not being in gainful self-employment, extend a start-up period or exempt a self-employed claimant from a requirement to seek work or be available for work.

Regulation 3 makes modifications to the amount of the standard allowance in universal credit in relation to the 2020-21 tax year.

Regulation 4 amends the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008 (S.R. 2008 No. 100) and the Universal Credit Housing Costs (Executive Determinations) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 222) to provide that the Northern Ireland Housing Executive must determine a local housing allowance (private rented sector) for each relevant category of accommodation, in each broad rental market area, on 31st March 2020, so that the allowance is set at the lower of rent at the 30th percentile of local rents and revised national caps. The determinations are to replace the determinations made on 31st January 2020 and are to take effect on 1st April 2020.

Regulation 5 makes modifications in relation to the tax year 2020-21 to Schedules 5 and 6 of the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406, so as to provide that the disregard from income that applies to the calculation of housing benefit where a person is entitled to working tax credit, or works for a specified minimum number of hours per week, is increased from £17.10 to £37.10. The increase takes into account the temporary increase in the basic element of working tax credit made by section 77 of the Coronavirus Act 2020 (c.7). The regulation takes effect on 6th April 2020 and ceases to have effect at the end of 4th April 2021.

Regulation 6 applies to a claimant who has an award of universal credit or new style JSA and makes provision so that work search requirements are not imposed for a period of 3 months from the date these Regulations come into operation as a consequence of the outbreak of coronavirus disease. Provision is also made so that any existing work search requirement no longer applies and so that the requirement to be “able and willing immediately to take up paid work” under a work availability requirement applies only once the regulation ceases to apply. There is power for the Department to extend the 3-month period in consequence of the continuation of the outbreak of coronavirus disease.

Regulation 7 makes provision for claimants who have an award of old style JSA. Such claimants will be treated as available for work and actively seeking employment for the purposes of the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)). This regulation applies for a period of 3 months, beginning with the date that the Regulations come into operation, and there is power for the Department to extend the 3-month period in consequence of the continuation of the outbreak of coronavirus.

Regulation 8 applies to a person who 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. Where such a person satisfies the requirements for entitlement to

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a jobseeker's allowance, other than the requirement in Article 3(2)(f) of the Jobseekers (Northern Ireland) Order 1995 that the person does not have limited capability for work, the person is to be treated as capable of work or as not having limited capability for work. Any period during which the regulation applies to the person is to be disregarded for the purposes of calculating the number of occasions that 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) apply to that person. Those regulations enable a person with an award of jobseeker's allowance to have certain periods of sickness without losing entitlement to jobseeker's allowance. By not counting 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, any such period will not count towards a period of sickness and so a person will not lose entitlement to jobseeker's allowance because of coronavirus disease.

The effect of regulation 9 is to allow 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.

Under regulation 10 the Secretary of State must keep the operation of the Regulations under review. Regulations 2, 6, 7, 8 and 9 expire on the same day as the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020. Provision is also made so that regulations 3 and 4 of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020 no longer have effect so far as they apply to universal credit. Regulation 3 of those Regulations treats a person as having limited capability for work in certain circumstances and regulation 4 enables the minimum income floor to be suspended once a person is no longer treated as having limited capability for work. Those provisions are no longer necessary due to the provisions made in these Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, public or voluntary sectors is foreseen.

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