

STATUTORY RULES OF NORTHERN IRELAND

2020 No. 63

SOCIAL SECURITY

**The Social Security (Coronavirus) (Prisoners)
Regulations (Northern Ireland) 2020**

<i>Made</i>	- - - -	<i>at 10.23 a.m. on 7th April 2020</i>
<i>Laid before Parliament</i>		<i>at 3.00 p.m. on 7th April 2020</i>
<i>Coming into operation</i>		<i>8th April 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 123, 129, 131(1), 133(1) and (2)(h) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ^{M1}, Articles 2(2), 6(5) and (12), 8(4), 9(4) and 36(2) of, and paragraph 12 of Schedule 1 to, the Jobseekers (Northern Ireland) Order 1995 ^{M2}, sections 2(3), (4), (6) and (9), 3(8), 17(1) and (2)(a) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002 ^{M3}, sections 4(2) and (3), 24(1) and 25(2) of, and paragraph 6(8) of Schedule 1 to, the Welfare Reform Act (Northern Ireland) 2007 ^{M4} and Articles 5, 7(2), 11(1), 13(1) and 48(2) of, and paragraph 5(1) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015 ^{M5}.

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015 ^{M6}.

Marginal Citations

- M1** 1992 c.7. Section 133(1) is cited for the meaning of “prescribed”.
- M2** S.I.1995/2705 (N.I. 15); Article 2(2) is cited for the meaning of the word “regulations”. Article 8 and 9 are maintained in operation in certain circumstances by Article 9 of S.R. 2017 No. 190.
- M3** 2002 c.14 (N.I.). Section 17(1) is cited for the meaning of “prescribed” and “regulations”.
- M4** 2007 c. 2 (N.I.). Sections 2 and 4 were repealed for certain purposes by the Welfare Reform (Northern Ireland) Order 2015. Section 24(1) is cited for the meaning of “prescribed” and “regulations”.
- M5** 2015 No. 2006 (N.I. 1). Article 5 is cited for the meaning of “prescribed”.
- M6** Article 4 was amended by Article 4 of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)). Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Jobseekers (Northern Ireland) Order 1995 are vested in the Department for Communities by virtue of Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020 and come into operation on 8th April 2020.

[^{F1}(1A) In these regulations “coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2)).]

(2) The Interpretation Act (Northern Ireland) 1954 ^{M7} shall apply to these Regulations as it applies to an Act of the Assembly.

F1 [Reg. 1\(1A\) inserted \(12.5.2021\) by The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/105\), regs. 1\(1\), 4\(2\)](#)

Marginal Citations

M7 [1954 c.33 \(N.I.\)](#).

Income Support, Jobseekers Allowance, State Pension Credit, Employment and Support Allowance and Universal Credit – definition of prisoner

2.—(1) [^{F2}Where the Department is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Department determines] the Regulations in paragraph (2) are to be read as if the definition of “prisoner” did not include a person on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953 ^{M8}.

(2) The regulations are—

- (a) the Income Support (General) Regulations (Northern Ireland) 1987 ^{M9};
- (b) the Jobseeker's Allowance Regulations (Northern Ireland) 1996 ^{M10};
- (c) the State Pension Credit Regulations (Northern Ireland) 2003 ^{M11};
- (d) the Employment and Support Allowance Regulations (Northern Ireland) 2008 ^{M12}; and
- (e) the Universal Credit Regulations (Northern Ireland) 2016 ^{M13}.

F2 [Words in reg. 2\(1\) inserted \(12.5.2021\) by The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/105\), regs. 1\(1\), 4\(3\)\(4\)\(a\)](#)

Marginal Citations

M8 [1953 c.18 \(N.I.\)](#)

M9 [S.R. 1987 No. 459](#). Relevant amending Regulations are [S.R. 1995 No. 86](#) and [S.R. 1998 No. 81](#).

M10 [S.R. 1996 No. 198](#). Relevant amending Regulations are [S.R. 1998 No. 81](#) and [S.R. 2006 No. 234](#).

M11 [S.R. 2003 No. 28](#). Relevant amending Regulations is [S.R. 2018 No. 135](#).

M12 [S.R. 2008 No. 280](#). There are no relevant amending Regulations.

M13 [S.R. 2016 No. 216](#). There are no relevant amending Regulations.

Income Support, Jobseekers Allowance, State Pension Credit and Employment and Support Allowance - persons treated as being or not being members of the same household

3. [^{F3}Where the Department is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Department determines] the following provisions are to be read as if the words “on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953” were omitted—

- (a) regulation 16(3)(b) of the Income Support (General) Regulations (Northern Ireland) 1987^{M14},
- (b) regulation 78(3)(b)^{M15} of the Jobseeker's Allowance Regulations (Northern Ireland) 1996;
- (c) regulation 5(1)(c) of the State Pension Credit Regulations (Northern Ireland) 2003; and
- (d) regulation 156(4)(b) of the Employment and Support Allowance Regulations (Northern Ireland) 2008.

F3 Words in [reg. 3](#) inserted (12.5.2021) by [The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/105\)](#), regs. 1(1), **4(3)(4)(b)**

Marginal Citations

M14 Regulation 16(3)(b) was substituted by regulation 5(5) of S.R. 1996 No. 405.

M15 Regulation 78(3)(b) was substituted by regulation 18 of S.R. 1996 No. 358.

Jobseekers Allowance – availability for employment

4. [^{F4}Where the Department is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Department determines] regulation 15(1) of the Jobseeker's Allowance Regulations (Northern Ireland) 1996 is to be read as if the words in sub-paragraph (b) were omitted.

F4 Words in [reg. 4](#) inserted (12.5.2021) by [The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/105\)](#), regs. 1(1), **4(3)(4)(c)**

Housing Benefit – modification of the rule on whether a person is or is not to be treated as occupying a dwelling as their home

5. For the purposes of entitlement to housing benefit, [^{F5}where the Department is satisfied that it is expedient as a result of coronavirus disease and in such cases as the Department determines,] the following provisions are to be read as if the words in sub-paragraph (b) were omitted—

- (a) regulation 7(14) of the Housing Benefit Regulations (Northern Ireland) 2006^{M16}; and
- (b) regulation 7(14) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006^{M17}.

F5 Words in [reg. 5](#) inserted (12.5.2021) by [The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/105\)](#), regs. 1(1), **4(5)**

Marginal Citations

M16 S.R. 2006 No. 405. There are no relevant amending Regulations.

M17 S.R. 2006 No. 406. There are no relevant amending Regulations.

Expiry

- 6.—(1) The Department must keep the operation of these Regulations under review.
- (2) These Regulations cease to have effect [^{F6}on 31st August 2021].

F6 Words in [reg. 6\(2\)](#) substituted (12.5.2021) by [The Social Security \(Coronavirus\) \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/105\)](#), regs. 1(1), **4(6)**

Changes to legislation: *There are currently no known outstanding effects for the The Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020. (See end of Document for details)*

Signed by the authority of the Secretary of State for Work and Pensions

Department for Work and Pensions

Will Quince
Minister for Welfare Delivery

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for individuals on temporary release from prison due to the outbreak COVID-19 in Northern Ireland to access means tested benefits during the period of that release.

Regulation 2 requires the definition of prisoner in various means tested benefits to be read so that individuals temporarily released from a prison in Northern Ireland are no longer included within that definition. This means those individuals will be entitled to make a claim, or their presence in a household claiming means tested benefits will be taken into account in calculating entitlement.

Regulation 3 enables a person temporarily released from a prison in Northern Ireland to be included as a member of a claimant's household in a number of means tested benefits.

Regulation 4 enables a person temporarily released from a prison in Northern Ireland to be treated as available for employment in a claim for jobseekers allowance.

Regulation 5 provides entitlement to housing benefit for individuals temporarily released from a prison in Northern Ireland.

Under regulation 6 the Department must keep the operation of the Regulations under review.

Regulations 2 to 5 expire on the same day as the Employment and Support Allowance and Universal Credit (Coronavirus Disease) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 33) and the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 53).

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.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Coronavirus) (Prisoners) Regulations (Northern Ireland) 2020.