

2021 No. 285

SOCIAL SECURITY

**The Employment and Support Allowance and Universal Credit
(Coronavirus) (Amendment) Regulations (Northern Ireland)
2021**

Made - - - - *20th October 2021*

Coming into operation - *12th November 2021*

The Department for Communities makes the following Regulations in exercise of the powers conferred by Articles 11(3) and (6) and 74(1) and (5) of the Social Security (Northern Ireland) Order 1998(a), and now vested in it(b) and section 25(2) of, and paragraphs 1(a) and 2 of Schedule 2 to, the Welfare Reform Act (Northern Ireland) 2007(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Employment and Support Allowance and Universal Credit (Coronavirus) (Amendment) Regulations (Northern Ireland) 2021 and come into operation on 12th November 2021.

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

Amendment of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations

2. For regulation 5(2) of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020(e) (expiry) substitute—

“(2) These Regulations cease to have effect on 24th March 2022.”.

Sealed with the Official Seal of the Department for Communities on 20th October 2021

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

(a) S.R. 1998 No. 1506 (N.I. 10)
(b) See Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(c) 2007 c. 2 (N.I.)
(d) 1954 c. 33 (N.I.)
(e) S.R. 2020 No. 33. Regulations 3 and 4 ceased to have effect for the purposes of Universal Credit from 30th March 2020 by virtue of regulation 10(3) of S.R. 2020 No. 53. Regulation 5(2) was amended by regulation 2 of S.R. 2020 No. 217 and regulation 2 of S.R. 2021 No. 105

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 33).

Regulation 2 of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020 gives the Department discretion to disapply the seven waiting days that would otherwise apply to a person who has made a claim for an employment and support allowance. Regulation 3 of those Regulations gives the Department discretion to decide that a person who makes a claim for, or is entitled to, an employment and support allowance may be treated as a person having limited capability for work. Both provisions apply where a person is infected or contaminated with Coronavirus disease, is isolating to prevent the spread of Coronavirus disease, or is caring for a child (or qualifying young person) who falls into either of those categories. Both regulations no longer have effect in relation to Universal Credit by virtue of the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 53).

Following a review by the Department of the operation of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020, regulation 2 amends the expiry date of the Regulations so that they now expire on 24th March 2022.

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.

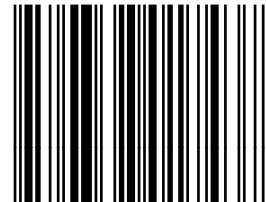
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