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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 64**

**SOCIAL SECURITY**

**The Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Telephone and Video Assessment) (Amendment) Regulations (Northern Ireland) 2021**

*Made - - - - 11th March 2021*

*Coming into operation 25th March 2021*

The Department for Communities makes the following Regulations in exercise of the powers conferred by sections 7(1)(a), 7(2)(a) and 165(1), (3) to (6) of the Social Security Administration (Northern Ireland) Act 1992<sup>(1)</sup> and now vested in it<sup>(2)</sup>, sections 8(3)(c), 9(3)(c) and 25(1) and (2) of the Welfare Reform Act (Northern Ireland) 2007<sup>(3)</sup> and Articles 43(5)(b), 48(1) and (2) and 85(4)(c) of the Welfare Reform (Northern Ireland) Order 2015<sup>(4)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Telephone and Video Assessment) (Amendment) Regulations (Northern Ireland) 2021 and shall come into operation on 25th March 2021.

**Amendment of the Social Security (Claims and Payments) Regulations**

2. In Regulation 26(1)(a) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977<sup>(5)</sup> (obligations of claimants for, and beneficiaries in receipt of, injury benefit or disablement benefit), after “medical examination” insert “in person, by telephone or by video”.

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(1) 1992 c.8

(2) 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.))

(3) 2007 c.2

(4) 2015 No. 2006 (N.I. 1)

(5) S.R. 1977 No. 351; regulation 26(1) was amended by regulation 10(6) and (7) of S.R. 1983 No. 36, Article 6(3)(a) of S.R. 1999 No. 310 (C. 23) and regulation 2(3) of S.R. 2007 No. 332

### **Amendment of the Employment and Support Allowance Regulations 2008**

3.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008<sup>(6)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 23(1) (claimant may be called for a medical examination to determine whether the claimant has limited capability for work), after “medical examination” insert “in person, by telephone or by video”.

(3) In regulation 38(1) (claimant may be called for a medical examination to determine whether the claimant has limited capability for work-related activity), after “medical examination” insert “in person, by telephone or by video”.

### **Amendment of the Universal Credit Regulations**

4. In Regulation 45(1) of the Universal Credit Regulations (Northern Ireland) 2016<sup>(7)</sup> (medical examinations), after “medical examination” insert “in person, by telephone or by video”.

### **Amendment of the Personal Independence Payment Regulations**

5. In Regulation 9(1)(b) of the Personal Independence Payment Regulations (Northern Ireland) 2016<sup>(8)</sup> (claimant may be called for a consultation to determine whether the claimant has limited or severely limited ability to carry out activities), after “telephone” insert “or by video”.

### **Amendment of the Employment and Support Allowance Regulations 2016**

6.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016<sup>(9)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 19(1) (claimant may be called for a medical examination to determine whether the claimant has limited capability for work), after “medical examination” insert “in person, by telephone or by video”.

(3) In regulation 35(1) (claimant may be called for a medical examination to determine whether the claimant has limited capability for work-related activity), after “medical examination” insert “in person, by telephone or by video”.

Sealed with the Official Seal of the Department for Communities on 11th March 2021

(L.S.)

*Anne McCleary*  
A senior officer of the Department for  
Communities

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(6) S.R. 2008 No. 280  
(7) S.R. 2016 No. 216  
(8) S.R. 2016 No. 217  
(9) S.R. 2016 No. 219

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 (S.R. 1977 No. 351), the Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008 No. 280), the Employment and Support Regulations (Northern Ireland) 2016 (S.R. 2016 No. 219), the Personal Independence Payment Regulations (Northern Ireland) 2016 (S.R. 2016 No. 217) and the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216).

The amendments will enable medical examinations and consultations to be conducted by telephone or by video (in addition to existing channels) as part of the process for determining entitlement to Industrial Injuries Disablement Benefit, Employment and Support Allowance, Personal Independence Payment and Universal Credit.

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, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.