

2022 No. 14

SOCIAL SECURITY

**The Universal Credit and Employment and Support Allowance
(Claimant Commitment Exceptions) (Amendment) Regulations
(Northern Ireland) 2022**

Made - - - - 25th January 2022

Coming into operation - 15th February 2022

The Department for Communities(a) makes the following Regulations in exercise of the powers conferred by paragraph 4A of Schedule 2 to, the Welfare Reform Act (Northern Ireland) 2007(b) and Articles 9(2) and 48(1) of the Welfare Reform (Northern Ireland) Order 2015(c).

Citation and commencement

1. These Regulations may be cited as the Universal Credit and Employment and Support Allowance (Claimant Commitment Exceptions) (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 15th February 2022.

Amendment of the Universal Credit Regulations

2. In regulation 16 of the Universal Credit Regulations (Northern Ireland) 2016(d) (claimant commitment - exceptions)—

- (a) the existing text of regulation 16 stands as paragraph (1); and
- (b) after paragraph (1) insert—

“(2) A person does not have to meet the basic condition to have accepted a claimant commitment if the person is terminally ill.”.

Amendment of the Employment and Support Allowance Regulations

3. In regulation 45 of the Employment and Support Allowance Regulations (Northern Ireland) 2016(e) (claimant commitment - exceptions)—

- (a) the existing text of regulation 45 stands as paragraph (1); and
- (b) after paragraph (1) insert—

(a) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(b) 2007 c. 2 (N.I.). Paragraph 4A of Schedule 2 was inserted by Article 60(6) of the Welfare Reform (Northern Ireland) Order 2015 S. I. 2015/2006 (N.I. 1)
(c) S. I. 2015/2006 (N.I. 1). These powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020 (S.I. 2020/927)
(d) S.R. 2016 No. 216
(e) S.R. 2016 No. 219

“(2) A claimant may be entitled to an employment and support allowance without having accepted a claimant commitment if the claimant is terminally ill.”.

Sealed with the Official Seal of the Department for Communities on 25th January 2022

(L.S.)

Anne McCleary

A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) (“the UC Regulations”) and the Employment and Support Allowance Regulations (Northern Ireland) 2016 (S.R. 2016 No. 219) (“the ESA Regulations”) by setting out an additional exception to the requirement to accept a claimant commitment which is a condition of entitlement.

Regulation 16 of the UC Regulations and regulation 45 of the ESA Regulations each contain two exceptions to the requirement to accept a claimant commitment, that is, where the Department considers that a person lacks capacity to accept a claimant commitment and where there are exceptional circumstances in which it would be unreasonable to expect a person to accept a claimant commitment. These Regulations provide an additional exception which exempts terminally ill claimants from the requirement to accept a claimant commitment. “Terminally ill” is defined in regulation 2(1) of the UC Regulations and regulation 2 of the ESA Regulations and means suffering from a progressive disease where death in consequence of that disease can reasonably be expected within 6 months.

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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