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## STATUTORY RULES OF NORTHERN IRELAND

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# 2016 No. 216

## The Universal Credit Regulations (Northern Ireland) 2016

### PART 1

#### INTRODUCTION

##### Interpretation

2.—(1) In these regulations—

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 <sup>M1</sup>;

“the EEA Regulations” means the [<sup>F1</sup>Immigration (European Economic Area) Regulations 2016][<sup>F2</sup>and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020];

“the ESA Regulations” means the Employment and Support Allowance Regulations (Northern Ireland) 2016 <sup>M2</sup>;

“the ITEPA” means the Income Tax (Earnings and Pensions) Act 2003 <sup>M3</sup>;

“the Medical Evidence Regulations” means the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 <sup>M4</sup>;

“the Order” means the Welfare Reform (Northern Ireland) Order 2015;

“adopter” has the meaning in regulation 88(3)(a);

[<sup>F3</sup>“adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;]

“attendance allowance” means—

- (a) an attendance allowance under section 64 of the Contributions and Benefits Act <sup>M5</sup>;
- (b) an increase of disablement pension under section 104 or 105 of that Act (increases where constant attendance needed and for exceptionally severe disablement);
- (c) a payment by virtue of Article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 <sup>M6</sup> or any analogous payment;
- (d) any payment based on the need for attendance which is paid as an addition to a war disablement pension;
- (e) armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

“authority” has the meaning in Article 2 of the Children (Northern Ireland) Order 1995 <sup>M7</sup>;

<sup>F4</sup> ...

“blind” means certified as severely sight impaired or blind by a consultant ophthalmologist;

“care leaver” has the meaning in regulation 8(4);

“carer's allowance” means a carer's allowance under section 70 of the Contributions and Benefits Act;

“carer element” has the meaning in regulation 30;

[<sup>F5</sup>“carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.]

[<sup>F6</sup>“child disability payment” has the meaning given in the DACYP Regulations (see regulation 2 of those Regulations);]

“childcare costs element” has the meaning in regulation 32;

“child element” has the meaning in regulation 25;

“close relative” in relation to a person, means—

(f) a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother or sister; and

(g) if any of the above is a member of a couple, the other member of the couple;

“confinement” has the meaning in regulation 8(4);

“course of advanced education” has the meaning in regulation 12;

[<sup>F7</sup>“the DACYP Regulations” means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;]

“disability living allowance” means an allowance under section 71 of the Contributions and Benefits Act;

“earned income” has the meaning in regulation 51;

“employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 <sup>M8</sup> as amended by Schedule 3 and Part 1 of Schedule 12 to the Order;

“expected number of hours per week” has the meaning in regulation 87;

“foster parent” means the person with whom a child is, or is proposed to be, placed under the Foster Placement (Children) Regulations (Northern Ireland) 1996 <sup>M9</sup>;

“grant” has the meaning in regulation 68;

“health care professional” means (except in regulation 96)—

(h) a registered medical practitioner;

(i) a registered nurse; or

(j) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999 <sup>M10</sup>;

“housing costs element” has the meaning in regulation 26;

“HSC trust” means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 <sup>M11</sup>;

“individual threshold” has the meaning in regulation 89(2);

“industrial injuries benefit” means a benefit under Part 5 of the Contributions and Benefits Act;

“jobseeker's allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by Part 1 of Schedule 12 to the Order (removing references to an income-based allowance);

[<sup>F8</sup>“LCWRA element” has the meaning in regulation 28;]

[<sup>F9</sup>“local welfare provision” means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
  - (i) arising out of an exceptional event, or exceptional circumstances; and
  - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
  - (i) in prison, hospital, a residential care establishment or other institution; or
  - (ii) homeless or otherwise living an unsettled way of life;]

“looked after by an authority” in relation to a child or young person means a child or young person who is looked after by an authority within the meaning of Article 25 of the Children (Northern Ireland) Order 1995;

“maternity allowance” means a maternity allowance under section 35 or 35B of the Contributions and Benefits Act <sup>M12</sup>;

“monthly earnings” has the meaning in regulation 89(6);

“national insurance contributions” means contributions under Part 1 of the Contributions and Benefits Act;

“National Minimum Wage Regulations” means that National Minimum Wage Regulations 2015. <sup>M13</sup>

“paid work” means work done for payment or in expectation of payment and does not include being engaged by a charitable or voluntary organisation, or as a volunteer, in circumstances in which the payment received by or due to be paid to the person is in respect of expenses;

“partner” means (except in regulation 77) the other member of a couple;

“personal independence payment” means an allowance under Part 5 of the Order;

“prisoner” means—

- (a) a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (b) is on temporary release in accordance with the provisions of the Prison Act (Northern Ireland) 1953 <sup>M14</sup>,

other than a person who is detained in hospital under the provisions of the Mental Health (Northern Ireland) Order 1986 <sup>M15</sup>;

“qualifying young person” has the meaning in regulation 6;

“redundancy” has the meaning in Article 174(1) of the Employment Rights (Northern Ireland) Order 1996 <sup>M16</sup>;

“Regional Health and Social Care Board” means a Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 <sup>M17</sup>;

“regular and substantial caring responsibilities for a severely disabled person” has the meaning in regulation 31;

“relevant childcare” has the meaning in regulation 37;

“responsible for a child or qualifying young person” has the meaning in regulation 4;

“statutory adoption pay” means a payment under Part XIIZB of the Contributions and Benefits Act <sup>M18</sup>;

“statutory maternity pay” means a payment under Part XII of the Contributions and Benefits Act;

[<sup>F10</sup>“statutory parental bereavement pay” means statutory parental bereavement pay payable in accordance with Part 12ZD of the Contributions and Benefits Act;]

“statutory paternity pay” means statutory paternity pay under Part XIIZA of the Contributions and Benefits Act <sup>M19</sup>;

“statutory shared parental pay” means statutory shared parental pay payable in accordance with Part XIIZC of the Contributions and Benefits Act <sup>M20</sup>;

“statutory sick pay” means a payment under Part XI of the Contributions and Benefits Act;

[<sup>F11</sup>“step-parent” in relation to a child or qualifying young person (“A”), means a person who is not A’s parent but—

- (a) is a member of a couple, the other member of which is a parent of A, where both are responsible for A; or
- (b) was previously a member of a couple, the other member of which was a parent of A, where immediately prior to ceasing to be a member of that couple the person was, and has since continued to be, responsible for A;]

“student loan” has the meaning in regulation 68;

“terminally ill” means suffering from a progressive disease where death in consequence of that disease can reasonably be expected within [<sup>F12</sup>12] months;

“total outstanding reduction period” has the meaning in regulation 98(5);

“trade dispute” has the meaning as in Article 127 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 <sup>M21</sup>;

“unearned income” has the meaning in regulation 66;

“war disablement pension” means any retired pay, pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the ITEPA;

“widowed mother’s allowance” means an allowance under section 37 of the Contributions and Benefits Act;

“widowed parent’s allowance” means an allowance under section 39A of the Contributions and Benefits Act <sup>M22</sup>;

“widow’s pension” means a pension under section 38 of the Contributions and Benefits Act.

(2) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954 <sup>M23</sup>, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

#### Textual Amendments

- F1** Words in reg. 2(1) substituted (7.5.2019) by The Social Security (Income-related Benefits) (Updating and Amendment) (EU Exit) Regulations (Northern Ireland) 2019 (S.R. 2019/89), regs. 1, **2(2)**
- F2** Words in reg. 2 inserted (31.12.2020) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2), **77(2)**
- F3** Words in reg. 2 inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **28(2)**
- F4** Words in reg. 2 omitted (coming into force in accordance with reg. 1(2)(b) of the amending Rule) by virtue of The Pensions (2015 Act) (Consequential, Supplementary and Incidental Amendments) Order (Northern Ireland) 2017 (S.R. 2017/66), arts. 1(2)(b), **28(2)** (with arts. 2, 3)

- F5** Words in reg. 2(1) inserted (19.11.2023) by The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), **51(2)**
- F6** Words in reg. 2 inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 12 para. 2(a)**
- F7** Words in reg. 2 inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 12 para. 2(b)**
- F8** Words in reg. 2 substituted (coming into force in accordance with reg. 1(2) of the amending Rule) by The Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations (Northern Ireland) 2017 (S.R. 2017/146), regs. 1(2), **2(2)**
- F9** Words in reg. 2 inserted (4.5.2022) by The Income-Related Benefits (Local Welfare Provision Disregard) (Amendment) Regulations (Northern Ireland) 2022 (S.R. 2022/172), regs. 1(1), **8(2)**
- F10** Words in reg. 2(1) inserted (29.9.2023) by The Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) (No. 2) Regulations (Northern Ireland) 2023 (S.R. 2023/157), regs. 1(1), **24(2)**, 34
- F11** Words in reg. 2 inserted (coming into force in accordance with reg. 1(3) of the amending Rule) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2017 (S.R. 2017/79), regs. 1(3), **2(2)**
- F12** Word in reg. 2(1) substituted (4.4.2022) by Social Security (Terminal Illness) Act (Northern Ireland) 2022 (c. 7), **ss. 1(1)(2)(c)(ii)**, 3(2) (with s. 1(8)); S.R. 2022/171, **art. 2**

#### Modifications etc. (not altering text)

- C1** Reg. 2 applied (with modifications) (31.12.2020) by The Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (S.I. 2020/1209), regs. 1(1), **3(3)**, **4(4)**, **11(y)**

#### Marginal Citations

- M1** 1992 c. 7 (N.I.).
- M2** S.R. 2016 No. 219.
- M3** 2003 c. 1.
- M4** S.R. 1976 No.175.
- M5** Section 64 was amended by section 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(S.I. 1999/3147 (N.I. 11)) and paragraph 4 of Schedule 9 to the Order.
- M6** S.I. 1983/686; Article 14 was substituted by S.I. 2001/420, **Article 15** was amended by S.I. 2001/420 and Article 16 was amended by S.I. 1984/1675 and S.I. 2001/420.
- M7** S.I. 1995/755 (N.I. 2).
- M8** 2007 c. 2 (N.I.).
- M9** S.R. 1996 No. 467.
- M10** 1999 c. 8.
- M11** 1991/194 (N.I. 1) (as amended by Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009).
- M12** Section 35B was inserted by regulation 2(5) of S.R. 2014 No. 102.
- M13** S.I. 2015/621, relevant amending instruments are S.I. 2015/1724 and 2016/68.
- M14** 1953 c. 18.
- M15** S.I. 1986/595 (N.I. 4).
- M16** S.I. 1996/1919 (N.I. 16).
- M17** 2009 c. 1 (N.I.).
- M18** Part XIIIB was inserted by Article 6 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2)).
- M19** Part XIIIA was inserted by Article 5 of the Employment (Northern Ireland) Order 2002.
- M20** Part XIIIC was inserted by section 5(2) of the Work and Families Act (Northern Ireland) 2015 (c. 1).
- M21** S.I. 1995/1980 (N.I. 12).

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Universal Credit Regulations (Northern Ireland) 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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**M22** Section 39A was inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999.

**M23** [1954 c. 33 \(N.I.\)](#).

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**Changes and effects yet to be applied to :**

- reg. 2(1) words inserted by [S.R. 2023/157](#) reg. 24(2)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- reg. 5(1)(c) inserted by [S.R. 2024/54](#) reg. 7(2)(b)