
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 236

**The Universal Credit (Consequential,
Supplementary, Incidental and Miscellaneous
Provisions) Regulations (Northern Ireland) 2016**

PART 3

AMENDMENTS OF SECONDARY LEGISLATION

CHAPTER 1

SOCIAL SECURITY BENEFITS

Amendment of the Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations

17.—(1) The Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations (Northern Ireland) 1975(1) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation)(2)—

- (a) omit the definition of “contributory employment and support allowance”; and
- (b) after the definition of “the determining authority” insert—

““employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”.

(3) In the title of regulation 3 (modifications, in relation to widows, of provisions with respect to unemployment and short-term incapacity benefit, contributory employment and support allowance, maternity allowance and Category A retirement pension) and in paragraphs (1)(a) and (b) and (5)(a) and (b) of that regulation omit “contributory” in each place it occurs.

Commencement Information

II Reg. 17 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (Benefit) (Members of the Forces) Regulations

18.—(1) The Social Security (Benefit) (Members of the Forces) Regulations 1975(3) are amended in accordance with paragraphs (2) and (3).

(1) [S.R. 1975 No. 19](#)

(2) Regulation 1(2) was amended by regulation 2 of [S.R. 1984 No. 174](#) and regulation 4 of [S.R. 2008 No. 286](#)

(3) [S.I. 1975/493](#)

- (2) In regulation 3 (unemployment benefit)—
- (a) in paragraph (1) (discharge or dismissal in consequence of conviction)(4) after “(higher level sanctions)” insert “or Article 31 of the Welfare Reform (Northern Ireland) Order 2015 (higher level sanctions)”; and
- (b) in paragraph (3) (evidence of dismissal)(5) after “Welfare Reform Act 2012” insert “or under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.
- (3) In regulation 5 (application of the Act, the Northern Ireland Act and regulations)(6) after “Welfare Reform Act 2012 and regulations made under it,” insert “or of Part 2 of the Welfare Reform (Northern Ireland) Order 2015 and regulations made under it,”.

Commencement Information

I2 Reg. 18 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (Mariners’ Benefits) Regulations

19.—(1) The Social Security (Mariners’ Benefits) Regulations (Northern Ireland) 1975(7) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)(8)—

(a) after the definition of “British ship” insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;

(b) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(c) after the definition of “mariner” insert—

““new style JSA” means a jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance;”.

(3) In regulation 2 (days in periods of paid leave not to be treated as days of unemployment)(9), in the words after sub-paragraph (d), after “that period of leave” insert “and, in relation to new style JSA, shall not be regarded as entitled to a jobseeker’s allowance for any day in that period”.

(4) After regulation 6(1) (special provisions relating to days of unemployment etc.)(10) insert—

(4) Regulation 3(1) was amended by regulation 2 of S.I. 1988/269, regulation 6(a) of S.I. 2000/1982 and regulation 21(2) of S.I. 2013/630

(5) Regulation 3(3) was amended by regulation 168(4) of S.I. 1996/207 and regulation 21(2) of S.I. 2013/630

(6) Regulation 5 was amended by regulation 14(3) of S.I. 1996/1345 and regulation 21(3) of S.I. 2013/630

(7) S.R. 1975 No. 108

(8) Regulation 1(2) was amended by regulation 6(2) of S.R. 2008 No. 286

(9) Regulation 2 was amended by regulation 165(2) of S.R. 1996 No. 198

(10) Regulation 6(1) was amended by regulation 165(4) of S.R. 1996 No. 198

“(1A) In relation to new style JSA, a mariner or share fisherman employed as such on board any ship or vessel shall be treated as complying with the work-related requirements referred to in Article 8(2) of the Jobseekers (Northern Ireland) Order 1995 during any period when he is absent from Northern Ireland if he would comply with those requirements but for the fact that he is absent from Northern Ireland.”.

Commencement Information

I3 Reg. 19 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (Medical Evidence) Regulations

20. In regulation 1 of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 (interpretation)(**11**)—

(a) in paragraph (2)(**12**)—

(i) for the definition of “limited capability for work” substitute—

““limited capability for work” has the meaning—

- (a) for the purposes of employment and support allowance, given in section 1(4) of the Welfare Reform Act (Northern Ireland) 2007; and
- (b) for the purposes of universal credit, given in Article 43 of the Welfare Reform (Northern Ireland) Order 2015;”, and

(ii) for the definition of “limited capability for work assessment” substitute—

““limited capability for work assessment” means the assessment of whether a person has limited capability for work—

- (a) for the purposes of old style ESA, under Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008,
- (b) for the purposes of new style ESA, under Part 4 of the Employment and Support Allowance Regulations (Northern Ireland) 2016,
- (c) for the purposes of universal credit, under Part 5 of the Universal Credit Regulations (Northern Ireland) 2016;”,

(b) after paragraph (4) insert—

“(5) For the purposes of the definition of “limited capability for work assessment” in paragraph (2)—

- (a) “old style ESA” means an allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 as that Part has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance; and
- (b) “new style ESA” means an allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance.”.

(11) S.R. 1976 No. 175

(12) Paragraph (2) was amended by regulation 8 of S.R. 2008 No. 286

Commencement Information

I4 Reg. 20 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (Invalid Care Allowance) Regulations

21.—(1) Regulation 7 of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976 (manner of electing the person entitled to a carer’s allowance in respect of a severely disabled person where, but for section 70(7) of the Contributions and Benefits Act, more than one person would be entitled to an invalid care allowance in respect of that severely disabled person)(**13**) is amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1)—

- (a) for “be entitled for the same day to a carer’s allowance” substitute “have a relevant entitlement for the same day”;
- (b) for “shall be entitled” substitute “shall have that entitlement”;
- (c) for “be entitled to a carer’s allowance” substitute “have a relevant entitlement”; and
- (d) for “to be entitled” substitute “to have that entitlement”.

(3) In paragraph (2)—

- (a) for “entitlement to carer’s allowance” substitute “a relevant entitlement”; and
- (b) after “a carer’s allowance” insert “or the carer element of universal credit”.

(4) After paragraph (2) insert—

“(3) In paragraph (2) “the carer element of universal credit” means an amount included in an award of universal credit in respect of the fact that a person has regular and substantial caring responsibilities for a severely disabled person.”.

Commencement Information

I5 Reg. 21 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security Benefit (Persons Abroad) Regulations

22. In regulation 1(2) of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978 (interpretation)(**14**) after the definition of “former principal Act” insert—

““jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”.

Commencement Information

I6 Reg. 22 comes into operation in accordance with [reg. 1\(1\)](#)

(13) S.R. 1976 No. 99; regulation 7 was amended by regulation 2(6) of S.R. 1996 No. 521 and paragraph 1 of Schedule to S.R. 2002 No. 323

(14) S.R. 1978 No. 114

Amendment of the Social Security (Overlapping Benefits) Regulations

23. In regulation 2(1) of the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979 (interpretation)(**15**)—

(a) after the definition of “child benefit” insert—

““contribution-based jobseekers allowance” means an allowance under the Jobseekers Order as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Order as that Order has affect apart from those provisions;”

(b) after the definition of “contributory benefit” insert—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”

(c) after the definition of “the enhanced rate”(**16**) insert—

““income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers Order;

“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act;” and

(d) in the definition of “personal benefit”(**17**), after the words “dependency benefit” insert “or universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

Commencement Information

I7 Reg. 23 comes into operation in accordance with **reg. 1(1)**

Amendment of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations

24. In regulation 4 of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979 (days to be treated as days of increment)(**18**)—

(a) in paragraph (1)(e)—

(i) at the end of paragraph (iii) omit “or”,

(ii) at the end of paragraph (iv) insert “or”, and

(iii) after paragraph (iv) insert—

“(v) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”

(b) in paragraph (2)(b)(ii) omit “contribution-based”; and

(c) for paragraph (5) substitute—

(15) S.R. 1979 No. 242; relevant amendments are regulation 11(2) of S.R. 1996 No. 289 and regulation 9(2) of S.R. 2008 No. 286

(16) The definition for “the enhanced rate” was inserted by Article 13(2)(b) of S.I. 2013/3021 and amended by regulation 9 of the Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 228)

(17) The definition of “personal benefit” was amended by regulation 2(a) of S.R. 1980 No. 451, regulation 11(2)(c) of S.R. 1996 No. 289, regulation 4(a) of S.R. 2005 No. 299 and regulation 9(2)(c) of S.R. 2008 No. 286

(18) S.R. 1979 No.243; regulation 4(1)(e) was inserted by regulation 2(2)(c) of S.R. 2011 No. 109, regulation 4(2)(b)(ii) was amended by regulation 12 of S.R. 1996 No. 289 and regulation 4(5) was inserted by regulation 2(3) of S.R. 2011 No. 109

“(5) In this regulation—

- (a) in paragraph (1) “couple” has the meaning—
 - (i) apart from in relation to universal credit, given by section 133(1) of the Contributions and Benefits Act (interpretation of Part VII and supplementary provisions);
 - (ii) in relation to universal credit, given by Article 45 of the Welfare Reform (Northern Ireland) Order 2015 (couples);
- (b) in paragraph (2) “jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions; and
- (c) “universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

Commencement Information

18 Reg. 24 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (General Benefit) Regulations

25. In regulation 9 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984 (payments of benefit and suspension of payments pending a decision on appeals or references, arrears and repayments)(**19**)—

- (a) in paragraph (5A)(a), (b) and (c) omit “contribution-based” in each place it occurs;
- (b) in paragraph (5B)(a) and (c) omit “contribution-based” in each place it occurs;
- (c) in paragraphs (5C) and (5D) omit “contribution-based” in each place it occurs; and
- (d) after paragraph (5D) insert—

“(5E) In this regulation “jobseeker’s allowance” means an allowance under the Jobseekers Order (Northern Ireland) 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions.”.

Commencement Information

19 Reg. 25 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Income Support (General) Regulations

26.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**20**) are amended in accordance with paragraphs (2) to (10).

(19) S.R. 1984 No. 92; paragraphs (5A) to (5D) of regulation 9 were inserted by regulation 5 of S.R. 1996 No. 503

(20) S.R. 1987 No. 459

- (2) In regulation 2(1) (interpretation)(21)—
- (a) after the definition of “concessionary payment” insert—
- ““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;
- (b) for the definition of “contributory employment and support allowance” substitute—
- ““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;
- (c) after the definition of “unemployment benefit” insert—
- ““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.
- (3) In regulation 14(2) (persons of a prescribed description)(22)—
- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) insert “or”; and
- (c) after sub-paragraph (d) insert—
- “(e) entitled to universal credit.”.
- (4) In regulation 31(2) (date on which income is treated as paid)(23)—
- (a) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”; and
- (b) for “on the day of the benefit week” substitute “on any day”.
- (5) In regulation 40(6)(c) (calculation of income other than earnings)(24) after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act(25) as the case may be”.
- (6) In regulation 75(b) (modifications in the calculation of income)(26) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”.
- (7) In paragraph 13 (severe disability premium) of Schedule 2 (applicable amounts)(27)—
- (a) in sub-paragraph (2)(a)(iii) after “the Contributions and Benefits Act” insert “or has an award of universal credit which includes the carer element”;
- (b) in the closing words of sub-paragraph (2)(b)—

(21) Regulation 2(1) was amended by regulation 2 of S.R. 1989 No. 365, regulation 12 of S.R. 2008 No. 286 and regulation 2 of S.R. 2008 No. 498; there are other amendments that are not relevant to these Regulations

(22) Regulation 14 was amended by paragraph 2 of Schedule 1 to S.R. 2003 No. 1, paragraph 2 of Schedule 1 to S.R. 2005 No. 319, regulation 2 of S.R. 2006 No. 128 and regulation 12 of S.R. 2008 No. 286

(23) Regulation 31(2) was amended by regulation 14 of S.R. 1988 No. 146, regulation 7 of S.R. 1988 No. 318, regulation 2 of S.R. 1995 No. 67, regulation 15 of S.R. 1996 No. 199, and regulation 12 of S.R. 2008 No. 286

(24) Section 40(6) was inserted by regulation 12 of S.R. 2008 No. 286

(25) Section 11J was inserted by Article 63 of the Welfare Reform (Northern Ireland) Order 2015 S.I. 2015/2006

(26) Regulation 75(b) was amended by regulation 16 of S.R. 1988 No. 318, regulation 2 of S.R. 1995 No. 67, regulation 20 of S.R. 1996 No. 199 and regulation 12 of S.R. 2008 No. 286

(27) Paragraph 13 was amended by regulation 30 of S.R. 1988 No. 146, regulation 2 of S.R. 1994 No. 327, regulation 4(2) of S.R. 2000 No. 74, regulation 3 of S.R. 2002 No. 80, regulation 3 of S.R. 2002 No. 323, regulation 2 of S.R. 2007 No. 154, regulation 4 of S.R. 2011 No. 291 and regulation 14(5) of S.I. 2013/3021

- (i) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”, and
- (ii) after “such an allowance” insert “or has such an award of universal credit”;
- (c) in sub-paragraph (3ZA)(28) after “carer’s allowance” insert “or universal credit which includes the carer element”;
- (d) in sub-paragraph (3A)(b)(29)—
 - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”, and
 - (ii) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;
- (e) in sub-paragraph (5)—
 - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”, and
 - (ii) after “that allowance” insert “or had such an award”; and
- (f) after sub-paragraph (5) insert—

“(6) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 3 (housing costs)(30)—
 - (a) in paragraph 1(3)(31)—
 - (i) at the end of paragraph (c) omit “or”;
 - (ii) at the end of paragraph (d) insert “or”, and
 - (iii) after paragraph (d) insert—
 - “(e) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations.”; and
 - (b) in paragraph 18 (non-dependant deductions)—
 - (i) at the end of sub-paragraph (7)(g)(ii) omit “or”;
 - (ii) at the end of sub-paragraph (7)(i)(32) for “.” Substitute “; or”; and
 - (iii) after sub-paragraph (7)(i) insert—
 - “(j) if he is aged less than 25 and is entitled to an award of universal credit where the award is calculated on the basis that he does not have any earned income.”, and

(28) Sub-paragraph (3ZA) was inserted by regulation 2(9)(b) of S.R. 1994 No. 327 and amended by paragraph 1(g) of the Schedule to S.R. 2002 No. 323, and regulation 2(7)(e)(i) of S.R. 2007 No. 154

(29) Sub-paragraph (3A) was inserted by regulation 30(d) of S.R. 1988 No. 146 and amended by regulation 10(4)(c) of S.R. 1992 No. 6, regulation 4(2)(a)(iii) of S.R. 2000 No. 74 and paragraph 1(g) of the Schedule to S.R. 2002 No. 323

(30) Schedule 3 was substituted by regulation 2 of and Schedule 1 to S.R. 1995 No. 301

(31) Paragraph 1(3) was amended by regulation 2 of S.R. 1995 No. 434, regulation 5 of S.R. 2006 No. 359 and regulation 12 of S.R. 2008 No. 286

(32) Paragraph 18(7)(i) was amended by regulation 12(11)(g) of S.R. 2008 No. 286 and regulation 2(3) of S.R. 2013 No. 67

(iv) after sub-paragraph (8)(33) insert—

“(9) For the purposes of sub-paragraph (7)(j) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(9) In paragraph 7 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)(34)—

(a) at the end of sub-paragraph (c) omit “or”;

(b) at the end of sub-paragraph (d) for “.” substitute “; or”; and

(c) after sub-paragraph (d) insert—

“(e) universal credit.”.

(10) In paragraph 7 of Schedule 10 (capital to be disregarded)—

(a) in sub-paragraph (1)

(ii) after paragraph (c) insert—

“(d) universal credit;” and

(b) in sub-paragraph (3)(35)—

(i) for “or of an income-based jobseeker’s allowance”, in both places where it occurs, substitute “, an income-based jobseeker’s allowance or universal credit”,

(ii) in paragraph (a) for “either of” substitute “of any of”,

(iii) in paragraph (b) for “either” substitute “any”,

(iv) at the end of paragraph (b)(iii) insert “or”, and

(v) after paragraph (b)(iii) insert—

“(iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum.”.

Commencement Information

I10 Reg. 26 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (Claims and Payments) Regulations

27.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(36) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation)(37) after the definition of “State Pension Credit Regulations” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

(33) Paragraph 18(8) was amended by regulation 2(3)(j)(iii) of [S.R. 1995 No. 434](#), regulation 2(5)(e) of [S.R. 2008 No. 428](#), regulations 2(3)(e) and 2(7)(d) of [S.R. 2010 No. 69](#), regulation 7(5)(c) of [S.R. 2011 No. 357](#) and regulation 14(6)(b) of [S.R. 2013 No. 3021](#)

(34) Paragraph 7 was amended by regulation 9 of [S.R. 1998 No. 81](#) and regulation 2 of [S.R. 2008 No. 498](#)

(35) Paragraph 7(3) was added by regulation 2(b) of [S.R. 2002 No. 295](#) and amended by regulation 12(15)(b) of [S.R. 2008 No. 286](#)

(36) [S.R. 1987 No. 465](#)

(37) The definition for “state pension credit regulations” was inserted by regulation 3 of [S.R. 2003 No. 191](#)

(3) In regulation 16A(2) (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate)(**38**)—

- (a) in sub-paragraph (a) after “income support,” insert “universal credit.”; and
- (b) in sub-paragraph (b) after income-based jobseeker’s allowance” insert “or universal credit”.

Commencement Information

111 Reg. 27 comes into operation in accordance with **reg. 1(1)**

Amendment of the Jobseeker’s Allowance Regulations

28.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(**39**) are amended in accordance with paragraphs (2) to (10).

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) for the heading substitute “citation, commencement, interpretation and application”;
- (b) after paragraph (1) insert—

“(1A) These Regulations do not apply to a particular case on any day on which Article 39(1)(a) of the Welfare Reform (Northern Ireland) Order 2015 (abolition of income-based jobseeker’s allowance) is in operation and applies in relation to that case.”; and

(c) in paragraph (2)—

- (i) after the definition of “the Contributions Regulations” insert—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions.”; and

- (ii) after the definition of “training allowance” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

(3) At the end of regulation 76(2)(e) (persons of a prescribed description)(**40**) insert—
“; or

- (f) entitled to universal credit.”.

(4) In regulation 96(2) (date on which income is treated as paid)(**41**)—

- (a) for “or employment and support allowance” substitute “, employment and support allowance or universal credit”; and
- (b) for “the day of the benefit week” substitute “any day”.

(38) Regulation 16A was inserted by regulation 7 of [S.R. 2003 No.191](#) and paragraph (2) of that regulation was amended by regulation 13 of [S.R. 2008 No. 286](#)

(39) [S.R. 1996 No. 198](#)

(40) Regulation 76(2) was amended by paragraph 2 of Schedule 3 to [S.R. 2005 No. 319](#), regulation 4(6)(b) of [S.R. 2006 No. 128](#) and regulation 19(12) of [S.R. 2008 No. 286](#)

(41) Regulation 96(2) was amended by regulation 19(14) of [S.R. 2008 No. 286](#)

(5) In regulation 103(5B)(c) (calculation of income other than earnings)(42) after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act as the case may be”.

(6) In regulation 153(b) (modification in the calculation of income)(43) after “the Benefits Act” insert “, universal credit”.

(7) In Schedule 1 (applicable amounts)(44)—

(a) in paragraph 15 (severe disability premium)—

(i) in sub-paragraph (1)(c) after “Benefits Act” insert “or has an award of universal credit which includes the carer element”,

(ii) in sub-paragraph (2)(d) after “Benefits Act”, in both places it occurs, insert “or has an award of universal credit which includes the carer element”,

(iii) in sub-paragraph (5)(b)—

(aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and

(bb) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”,

(iv) in sub-paragraph (7) after “carer’s allowance” insert “or universal credit which includes the carer element”,

(v) in sub-paragraph (9)—

(aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and

(bb) after “that allowance” insert “or had such an award”, and

(vi) after sub-paragraph (9) insert—

“(10) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”;

(b) in paragraph 20I (severe disability premium – joint claim couples)(45)—

(i) in sub-paragraph (1)(d) after “Benefits Act”, in both places it occurs, insert “or has an award of universal credit which includes the carer element”,

(ii) in sub-paragraph (4)(b)—

(aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and

(bb) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;

(iii) in sub-paragraph (6) after “carer’s allowance” insert “or universal credit which includes the carer element”,

(iv) in sub-paragraph (7)—

(42) Paragraph (5B) was inserted by regulation 19(16) of [S.R. 2008 No. 286](#)

(43) Regulation 153(b) was amended by regulation 19(21) of [S.R. 2008 No. 286](#)

(44) Schedule 1 was amended by regulation 4(3)(a) of [S.R. 2000 No. 74](#), regulation 5(4)(a) of [S.R. 2002 No. 80](#), regulation 3 of [S.R. 2002 No. 323](#), regulation 3 of [S.R. 2007 No. 154](#), regulation 5 of [S.R. 2011 No. 291](#) and regulation 17(7) of [S.I. 2013/3021](#)

(45) Paragraph 20I was inserted by paragraph 53(4) of Schedule 2 to [S.R. 2000 No. 350](#) and amended by regulation 5(4)(b) of [S.R. 2002 No. 80](#), paragraph 1(n) of the Schedule to [S.R. 2002 No. 323](#), regulation 3(8)(j) of [S.R. 2007 No. 154](#), regulation 5(3)(b) of [S.R. 2011 No. 291](#), Article 17(7)(h) of [S.I. 2013/3021](#) and regulation 3(2)(e) of [S.R. 2014 No. 275](#)

- (aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
- (bb) after “that allowance” insert “or had such an award”; and
- (v) after sub-paragraph (7) insert—
- “(8) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 2 (housing costs)—
- (a) in paragraph 1(3)—
- (i) at the end of paragraph (d) for “, or” substitute “;”;
- (ii) at the end of paragraph (e)(46) for “.” Substitute “; or”, and
- (iii) after paragraph (e) insert—
- “(f) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations.”; and
- (b) in paragraph 17—
- (i) at the end of sub-paragraph (7)(h) omit “or”;
- (ii) at the end of sub-paragraph (7)(i)(47) for “.” substitute “; or”,
- (iii) after sub-paragraph (7)(i) insert—
- “(j) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income.”; and
- (iv) after sub-paragraph (8) insert—
- “(9) For the purposes of sub-paragraph (7)(j) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (9) In paragraph 8 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)(48)—
- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) insert “or”; and
- (c) after sub-paragraph (d) insert—
- “(e) universal credit.”.
- (10) In paragraph 12(1)(b) of Schedule 7 (capital to be disregarded)(49) after “working tax credit” insert “, universal credit”.

(46) Head (e) was added by regulation 19(25) of [S.R. 2008 No. 286](#)

(47) Sub-paragraph(7)(i) was added by regulation 19(25)(f)(ii) of [S.R. 2008 No. 286](#) and amended by regulation 3(4) of [S.R. 2013 No. 67](#)

(48) Paragraph 8 was amended by regulation 3(6)(b) of [S.R. 2008 No. 498](#)

(49) Paragraph 12(1)(b) was amended by paragraph 24(a) of Schedule 2 to [S.R. 2003 No. 195](#), regulation 4(16)(a) of [S.R. 2008 No. 112](#), regulation 3(7)(a) of [S.R. 2008 No. 498](#), and regulation 4(11)(a) of [S.R. 2009 No. 92](#)

Commencement Information

I12 Reg. 28 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations

29.—(1) The Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000⁽⁵⁰⁾ are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(3) (interpretation)⁽⁵¹⁾ after the definition of “personal independence payment”⁽⁵²⁾ insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

(3) In regulation 2 (persons not excluded from specified benefits under section 115 of the Act)—

(a) after paragraph (1) insert—

“(1A) For the purposes of entitlement to universal credit, a person falling within a category or description of persons specified in paragraphs 2, 3 and 4 of Part I of the Schedule is a person to whom section 115 of the Act does not apply.”; and

(b) in paragraph (5)—

(i) after “entitlement to” insert “universal credit,”,

(ii) for “a jobseeker’s allowance” substitute “an income-based jobseeker’s allowance under the Jobseekers (Northern Ireland) Order 1995”, and

(iii) before “employment and support allowance” insert “income-related”.

(4) In the heading to Part I of the Schedule (persons not excluded from certain benefits under section 115 of the Immigration and Asylum Act 1999)⁽⁵³⁾ after “entitlement to” insert “universal credit,”.

Commencement Information

I13 Reg. 29 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Occupational and Personal Pension Schemes (Bankruptcy) Regulations

30. In regulation 5(3)(b) of the Occupational and Personal Pension Schemes (Bankruptcy) Regulations (Northern Ireland) 2002 (exclusion orders)⁽⁵⁴⁾ after “Benefits Act 1992,” insert “universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015”.

Commencement Information

I14 Reg. 30 comes into operation in accordance with [reg. 1\(1\)](#)

⁽⁵⁰⁾ S.R. 2000 No. 71

⁽⁵¹⁾ The definition of “income-related employment and support allowance” was added by regulation 23(2) of S.R. 2008 No. 286

⁽⁵²⁾ The definition of “personal independence payment” was inserted by regulation 24(2) of the Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations (Northern Ireland) 2016 S.R. 2016 No. 228

⁽⁵³⁾ Part 1 of the Schedule was amended by regulation 23(5) of S.R. 2008 No. 286

⁽⁵⁴⁾ S.R. 2002 No. 127

Amendment of the State Pension Credit Regulations

31.—(1) The State Pension Credit Regulations (Northern Ireland) 2003⁽⁵⁵⁾ are amended in accordance with paragraphs (2) to (9).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “the Computation of Earnings Regulations”⁽⁵⁶⁾ insert—

““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;

(b) for the definition of “contributory employment and support allowance”⁽⁵⁷⁾ substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform (Northern Ireland) Order 2015 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the 2015 Order that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(c) after the definition of “the Housing Benefit (State Pension Credit) Regulations”⁽⁵⁸⁾ insert—

““income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers (Northern Ireland) Order 1995;”;

(d) after the definition of “the Skipton Fund”⁽⁵⁹⁾ insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In regulation 6(5)(b) (amount of the guarantee credit)⁽⁶⁰⁾ after “(carers allowance)” insert “, or has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016,”.

(4) In regulation 9(c) (qualifying income for the purposes of savings credit) omit “within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995”.

(5) In regulation 13A(1)(a) (part-weeks)⁽⁶¹⁾ before “income support” insert “universal credit,”.

(6) In regulation 13B(1)(d) (date on which benefits are treated as paid)⁽⁶²⁾ omit “within the meaning of Article 3(4) of the Jobseekers (Northern Ireland) Order 1995”.

(7) In paragraph 1 of Part 1 of Schedule 1 (circumstances in which persons are treated as being or not being severely disabled)⁽⁶³⁾—

(a) in sub-paragraph (1)(a)(iii) after the words “(carer’s allowance)” insert “, or has an award of universal credit which includes the carer element,”;

⁽⁵⁵⁾ S.R. 2003 No.28

⁽⁵⁶⁾ The definition of “the Computation of Earnings Regulations” was inserted by regulation 4 of S.I. 2003/2175

⁽⁵⁷⁾ The definition of “contributory employment and support allowance” was inserted by regulation 30(2)(b) of S.R. 2008 No. 286

⁽⁵⁸⁾ The definition of “the Housing Benefit (State Pension Credit) Regulations” was inserted by regulation 5 and paragraph 11(2) of Schedule 2 of S.R. 2006 No. 407

⁽⁵⁹⁾ The definition of “the Skipton Fund” was inserted by regulation 2(b)(ii) of S.R. 2004 No. 213

⁽⁶⁰⁾ Regulation 6(5)(b) was amended by Article 24(2) of S.R. 2015 No. 124

⁽⁶¹⁾ Regulation 13A was inserted by regulation 23 of S.R. 2003 No. 191 and amended by regulation 30 of S.R. 2008 No. 286 and regulation 3 of S.R. 2009 No. 409

⁽⁶²⁾ Regulation 13B was inserted by regulation 23 of S.R. 2003 No. 191 and amended by regulation 30 of S.R. 2008 No. 286 and regulation 3 of S.R. 2009 No. 409

⁽⁶³⁾ Relevant amending regulations are regulation 4 of S.R. 2007 No. 154, regulation 23(4) of S.I. 2013/3021 and regulation 4(2) (a)(ii) of S.R. 2014 No. 275

- (b) in the closing words of sub-paragraph (1)(b)—
- (i) after the words “under section 70 of the Contributions and Benefits Act” insert “, or has an award of universal credit which includes the carer element,”; and
 - (ii) after the words “such an allowance” insert “under section 70, or has an award of universal credit which includes the carer element,”;
- (c) in sub-paragraph (1)(c)(iv) after the words “Contributions and Benefits Act” insert “, or has an award of universal credit which includes the carer element,”;
- (d) in sub-paragraph (2)(c) after the words “Contributions and Benefits Act” insert “, or as having an award of universal credit which includes the carer element,”; and
- (e) after sub-paragraph (3) insert—
- “(4) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 2 (housing costs)—
- (a) at the end of paragraph 1(2)(b)(iv)(**64**) insert—
“or
(v) is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that he has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations;” and
 - (b) in paragraph 14 (persons residing with the claimant)—
 - (i) at the end of sub-paragraph (7)(f) omit “or”
 - (ii) at the end of sub-paragraph (7)(g)(**65**) for “.” substitute “; or”
 - (iii) after sub-paragraph (7)(g) insert—
“(h) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income.”; and
 - (iv) after sub-paragraph (8) insert—
“(9) For the purposes of sub-paragraph (7)(h), “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (9) In Part 1 of Schedule 5 (capital disregarded for the purpose of calculating income)—
- (a) in paragraph 20(2)(**66**), after paragraph (o)(**67**) insert—
“(p) universal credit.”; and
 - (b) in paragraph 20A(2)(**68**)—

(64) Paragraph 1(2)(b) was amended by regulation 7(4)(a) of [S.R. 2005 No.580](#), regulation 5(4) of [S.R. 2006 No.128](#), and regulation 30(8) of [S.R. 2008 No. 286](#)

(65) Paragraph 14(7) was amended by regulation 23(7)(c) of [S.R. 2003 No. 191](#), regulation 7(2) of [S.R. 2003 No. 261](#), regulation 6(5)(b)(ii) of [S.R. 2004 No. 394](#), regulation 7(4)(b) of [S.R. 2005 No. 580](#), regulation 14(5)(b) of [S.R. 2006 No. 359](#), regulation 5 and paragraph 11(4)(c) of Schedule 2 to [S.R. 2006 No. 407](#), regulation 30(8)(e) of [S.R. 2008 No. 286](#), regulation 5(3)(c) of [S.R. 2008 No. 428](#) and regulation 5 of [S.R. 2013 No. 67](#)

(66) Paragraph 20(2) was amended by regulation 2 of [S.R. 2003 No. 421](#), regulation 30(9) of [S.R. 2008 No. 286](#), regulation 4(5)(c) of [S.R. 2008 No. 498](#)

(67) Head (o) was added by regulation 30(9)(a) of [S.R. 2008 No. 286](#)

(68) Paragraph 20A was inserted by regulation 23(9)(b) of [S.R. 2003 No. 191](#), substituted by regulation 2(11)(f) of [S.R. 2003 No. 421](#), amended by regulation 5 of and paragraph 11(6) of Schedule 2 to [S.R. 2006 No. 407](#) and regulation 30(9)(b) of [S.R. 2008 No. 286](#)

- (i) at the end of paragraph (c) omit “or”, and
- (ii) at the end of paragraph (d) insert—
 - “or
 - (e) paragraph 18 of Schedule 10 to the Universal Credit Regulations (Northern Ireland) 2016.”.

Commencement Information

I15 Reg. 31 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Security (Deferral of Retirement Pensions) Regulations

32. In regulation 3 of the Social Security (Deferral of Retirement Pensions) Regulations (Northern Ireland) 2005 (amount of retirement pension not included in the calculation of the lump sum)(**69**)—

- (a) in paragraph (1)(aa)(**70**)—
 - (i) at the end of paragraph (iii) omit “or”, and
 - (ii) at the end of paragraph (iv) insert—
 - “or
 - (v) universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”;
- (b) for paragraph (5A)(**71**) substitute—
 - “(5A) In paragraph (1) “couple” has the meaning—
 - (a) in relation to universal credit, given by Article 45 of the Welfare Reform (Northern Ireland) Order 2015; and
 - (b) in relation to the other benefits referred to in paragraph (1)(a) or (aa), given by section 133(1) of the Contributions and Benefits Act.”.

Commencement Information

I16 Reg. 32 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations

33.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**72**) are amended in accordance with paragraphs (2) to (6).

- (2) In regulation 2 (interpretation)—
 - (a) In paragraph (1)—
 - (i) in the definition of “family”, at the beginning of sub-paragraph (c) insert “except where the claimant is in receipt of universal credit”,
 - (ii) in the definition of “partner”, at the end of sub-paragraph (b) insert “except that paragraph (b) does not apply where the claimant is in receipt of universal credit”,

(69) S.R. 2005 No. 120

(70) Paragraph (1)(aa) was inserted by regulation 3(4)(a)(ii) of S.R. 2011 No. 109

(71) Paragraph (5A) was inserted by regulation 3(4)(c) of S.R. 2011 No. 109

(72) S.R. 2005 No. 506

- (iii) after the definition of “Sure Start Maternity Grant” insert—
““universal credit” means universal credit under Part 2 of the 2015 Order;”;
- (b) in paragraph (4)(b), at the beginning insert “except where the claimant is in receipt of universal credit;”.
- (3) In regulation 5(2) (entitlement)(**73**)—
- (a) at the end of sub-paragraph (e) omit “or”;
- (b) at the end of sub-paragraph (f) insert “or”; and
- (c) after sub-paragraph (f) insert—
“(g) universal credit.”.
- (4) In regulation 7(4)(a) (funeral payments: entitlement)(**74**)—
- (a) at the end of paragraph (vi) omit “or”;
- (b) at the end of paragraph (vii) insert “or”; and
- (c) after paragraph (vii) insert—
“(viii) universal credit.”.
- (5) After regulation 8(2)(b) (funeral payments: supplementary)(**75**) insert—
“(ba) a qualifying young person under Article 15(5) of the 2015 Order (prescription of qualifying young person);”
- (6) In regulation 10(1A)(**76**)—
- (a) for sub-paragraph (g) substitute—
“(g) employment and support allowance under—
(i) Part 1 of the 2007 Act as amended by Schedule 3 and Part 1 of Schedule 2 to the 2015 Order (to remove references to an income related allowance), or
(ii) Part 1 of the 2007 Act as it has effect apart from the amendments made by Schedule 3 and Part of Schedule 12 to the 2015 Order;”;
- (b) for sub-paragraph (o) substitute—
“(o) jobseeker’s allowance under—
(i) the 1995 Order as amended by Part 1 of Schedule 12 to the 2015 Order (to remove references to an income based allowance), or
(ii) the 1995 Order as it has effect apart from the amendments made by Part 1 of Schedule 12 to the 2015 Order;”;
- (c) after sub-paragraph (ta)(**77**) insert—
“(tb) universal credit under Part 2 of the 2015 Order;”.

Commencement Information

117 Reg. 33 comes into operation in accordance with **reg. 1(1)**

(73) Regulation 5(2) was amended by regulation 2(5) of [S.R. 2010 No. 378](#) and regulation 2(3)(a) of [S.R. 2011 No. 130](#)

(74) Regulation 7(4) was amended by regulation 34(4) of [S.R. 2008 No. 286](#)

(75) Regulation 8(2) was amended by regulation 6 of [S.R. 2006 No. 97](#)

(76) Paragraph (1A) was inserted by regulation 2(3)(b) of [S.R. 2013 No. 58](#) and amended by Article 25(2) of [S.I. 2013/3021](#)

(77) Sub-paragraph (ta) was inserted by regulation 22 of [S.R. 2015 No. 411](#)

Amendment of the Housing Benefit Regulations

34.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**78**) are amended in accordance with paragraphs (2) to (13).

(2) In regulation 2(1) (interpretation)(**79**)—

(a) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;” and

(b) after the definition of “training allowance” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In regulation 17(2) (persons of a prescribed description)(**80**)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert “or”; and

(c) after sub-paragraph (b) insert—

“(c) entitled to an award of universal credit”.

(4) In regulation 25(11)(ba) and (ca) (treatment of child care charges)(**81**) after “Employment and Support Allowance Regulations ” insert “or the Employment and Support Allowance Regulations (Northern Ireland) 2016(**82**)”.

(5) In regulation 37(3A) (calculation of income other than earnings)(**83**) after “Employment and Support Allowance Regulations” insert “or section 11J of the Welfare Reform Act(**84**)”.

(6) In regulation 53(2)(ea) (full-time students to be treated as not liable to make payments in respect of a dwelling)(**85**) after “Employment and Support Allowance Regulations” insert “or the Employment and Support Allowance Regulations (Northern Ireland) 2016”.

(7) In regulation 72 (non-dependant deductions)—

(a) in paragraph (8)(a) and (b)(**86**) after “the Welfare Reform Act (the support component and the work-related activity component)” insert “or who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income”; and

(b) after paragraph (10) insert—

“(11) For the purposes of paragraph (8) “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(8) After regulation 73F(1)(h) (exception to the benefit cap: receipt of specified benefit)(**87**) insert—

(78) S.R. 2006 No. 405

(79) Regulation 2(1) was amended by regulation 3(2)(a)(iv) of S.R. 2008 No. 378 and regulation 26 of S.R. 2013 No. 3021

(80) Regulation 17(2) was amended by regulation 3(4)(c) of S.R. 2008 No. 378

(81) Regulation 25(11)(ba) and (ca) were inserted by regulation 3(9) of S.R. 2008 No. 378

(82) S.R. 2016 No. 219

(83) Paragraph (3A) was inserted by regulation 3(10) of S.R. 2008 No. 378

(84) Section 11J was inserted by Article 63(1) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006)

(85) Sub-paragraph (ea) was inserted by regulation 3(12)(b) of S.R. 2008 No. 378

(86) Paragraph (8)(a) and (b) was amended by regulation 3(13) of S.R. 2008 No. 378

(87) Regulation 73F was inserted by regulation 3(5) of S.R. 2016 No. 55

“(i) the claimant is receiving universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015.”.

(9) In regulation 99(5) (method of recovery)(**88**) after “Employment and Support Allowance Regulations ” insert “, regulation 39(1)(a) of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.

(10) In Schedule 4 (applicable amounts)—

(a) in paragraph 14 (severe disability premium)(**89**)—

(i) in sub-paragraph (2)(a)(iii) after “section 70 of the Act” insert “or has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016”,

(ii) in the closing words of sub-paragraph (2)(b)—

(aa) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”; and

(bb) after “such an allowance” insert “or has such an award of universal credit”,

(iii) in sub-paragraph (5)(b)—

(aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and

(bb) after “be so entitled and in receipt” insert “or have such an award of universal credit”;

(iv) in sub-paragraph (6) after “carer’s allowance” insert “or universal credit which includes the carer element”, and

(v) in sub-paragraph (7)—

(aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and

(bb) after “that allowance” insert “or had such an award of universal credit”;

(b) in paragraph 20 (amounts of premiums specified in Part III)(**90**)—

(i) in sub-paragraph (6)(b)(i) after “carer’s allowance” insert “or who has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016”; and

(ii) in sub-paragraph (6)(b)(ii) after “such an allowance” insert “or such an award of universal credit”;

(c) in paragraph 21(c)(ii) (the components) after “Employment and Support Allowance Regulations” insert “or regulation 7 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”; and

(d) in paragraph 27(1)(b)(i) (transitional addition) after “Employment and Support Allowance Regulations” insert “or regulation 26 of the Employment and Support Allowance Regulations (Northern Ireland) 2016, in either case”; and

(e) in paragraph 29(1)(c)(**91**) after “Employment and Support Allowance Regulations” insert “or regulation 86 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.

(88) Paragraph (5) was amended by regulation 2(4)(c) of [S.R. 2009 No. 382](#)

(89) Relevant amending regulations are regulation 7(5) of [S.R. 2007 No. 154](#), regulation 6(9)(c) of [S.R. 2009 No. 92](#) and Article 26(6) of [S.I. 2013/3021](#)

(90) Paragraph 20(6)(b) was amended by Article 19(7) of and Schedule 6 to [S.R. 2015 No. 124](#)

(91) Paragraph 29(1)(c) was substituted by regulation 3(d) of [S.R. 2016 No. 176](#)

(11) In paragraph 10A(6)(a) of Schedule 5 (sums to be disregarded in the calculation of earnings)(92) after “Employment and Support Allowance Regulations” insert “or regulation 39(1) (a), (b) or (c) of the Employment and Support Allowance Regulations 2016”.

(12) After paragraph 8(d) of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)(93) insert—

“(e) universal credit.”.

(13) After paragraph 9(1)(f) of Schedule 7 (capital to be disregarded)(94) insert—

“(g) universal credit.”.

Commencement Information

I18 Reg. 34 comes into operation in accordance with [reg. 1\(1\)](#)

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

35.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(95) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation)(96)—

(a) for the definition of “contributory employment and support allowance” substitute—

““contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;”;

(b) after the definition of “training allowance” insert—

““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.

(3) In regulation 17(2) (persons of a prescribed description)(97)—

(a) at the end of sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) insert “or”; and

(c) after sub-paragraph (b) insert—

“(c) entitled to an award of universal credit.”.

(4) In regulation 29(11)(ba) and (ca) (treatment of child care charges)(98) after “Employment and Support Allowance Regulations ” insert “or the Employment and Support Allowance Regulations (Northern Ireland) 2016”.

(5) In regulation 53 (non-dependant deductions)(99)—

(92) Paragraph 10A was inserted by regulation 2(6)(a) of S.R. 2009 No. 382

(93) Paragraph 8 was amended by regulation 3(19) of S.R. 2008 No. 378

(94) Paragraph 9(1)(f) was inserted by regulation 3(20) of S.R. 2008 No. 378

(95) S.R. 2006 No. 406

(96) Regulation 2 was amended by regulation 4(2)(a)(iv) of S.R. 2008 No. 378

(97) Regulation 17(2) was amended by regulation 4(4) of S.R. 2008 No. 378

(98) Regulation 29(11)(ba) and (ca) were inserted by regulation 4(6)(c)(i) and 4(6)(c)(ii) of S.R. 2008 No. 378

(99) Paragraph (8) was amended by regulation 4(9) of S.R. 2008 No. 378

- (a) in paragraph (8) after “work-related activity component)” in both places it occurs insert “or who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income”; and
- (b) after paragraph (10) insert—
 - “(11) For the purposes of paragraph (8) “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (6) In regulation 80(5) (method of recovery)(**100**) after “Employment and Support Allowance Regulations” insert “, regulation 39(1)(a) of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.
- (7) In Schedule 4 (applicable amounts)—
 - (a) in paragraph 6 (severe disability premium)(**101**)—
 - (i) in sub-paragraph (2)(a)(iii) after “carer’s allowance” insert “under section 70 of the Act or has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016”,
 - (ii) in the closing words of sub-paragraph (2)(b)—
 - (aa) after “carer’s allowance” insert “or has an award of universal credit that includes the carer element”; and
 - (bb) after “such an allowance” insert “or has such an award of universal credit”,
 - (iii) in sub-paragraph (7)(b)—
 - (aa) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”; and
 - (bb) after “be so entitled and in receipt” insert “or have such an award of universal credit”,
 - (iv) in sub-paragraph (8)(a) after “carer’s allowance” insert “or an award of universal credit which includes the carer element”, and
 - (v) in sub-paragraph (8)(b)(**102**)—
 - (aa) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”; and
 - (bb) after “that allowance” insert “or had such an award of universal credit”.
 - (b) in paragraph 12 (amounts of premiums specified in Part III)(**103**)—
 - (i) in sub-paragraph (1)(b)(i) after “carer’s allowance” insert “or who has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016,”; and
 - (ii) in sub-paragraph (1)(b)(ii) after “such an allowance” insert “or such an award of universal credit”.
- (8) In Schedule 5 (sums disregarded from claimant’s earnings)(**104**)—
 - (a) in paragraph 5(1)(d)(ii) after “Employment and Support Allowance Regulations” insert “or regulation 7 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”; and

(**100**) Paragraph (5) was amended by regulation 3(5)(c) of [S.R. 2009 No.382](#)

(**101**) Paragraph 6 was amended by regulation 8(3) of [S.R. 2007 No. 154](#) and Article 27(7) of [S.I. 2013/3021](#)

(**102**) Sub-paragraph 8(b) was amended by regulation 10(3) of [S.R.2011 No. 291](#)

(**103**) Paragraph 12 was amended by Article 20(7) of [S.R. 2015 No. 124](#)

(**104**) Paragraph 5(1)(d) was added by regulation 7(6) of [S.R. 2009 No. 92](#)

- (b) in paragraph 5A(6)(a)(**105**) after “Employment and Support Allowance Regulations” insert “or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.
- (9) In paragraph 21(2) of Schedule 7 (capital to be disregarded)(**106**)—
- (a) at the end of paragraph (l) omit “or”;
- (b) at the end of paragraph (m) insert “or”; and
- (c) after paragraph (m) insert—
- “(n) universal credit.”.

Commencement Information

I19 Reg. 35 comes into operation in accordance with [reg. 1\(I\)](#)

Amendment of the Employment and Support Allowance Regulations

36.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**107**) are amended in accordance with paragraphs (2) to (10).

- (2) In regulation 1—
- (a) for the heading substitute “citation, commencement and application”; and
- (b) after paragraph (2) insert—
- “(2A) These Regulations do not apply to a particular case on any day on which Article 39(1)(b) of the Welfare Reform (Northern Ireland) Order 2015 (abolition of income-related employment and support allowance) is in force and applies in relation to that case.”.
- (3) In regulation 2(1) (interpretation)—
- (a) after the definition of “confinement” insert—
- ““contribution-based jobseeker’s allowance” means an allowance under the Jobseekers (Northern Ireland) Order 1995 as amended by the provisions of Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers (Northern Ireland) Order 1995 as that Order has effect apart from those provisions;”;
- (b) after the definition of “net profit” insert—
- ““new style ESA” means an allowance under Part 1 of the Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance;”;
- (c) after the definition of “training allowance” insert—
- ““universal credit” means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;”.
- (4) In regulation 63(5) (reduction of employment and support allowance)—
- (a) after “contributory allowance” insert “including new style ESA”; and
- (b) after “this regulation” insert “or section 11J of the Act respectively”.

(**105**) Paragraph 5A was inserted by regulation 3(7) of [S.R. 2009 No. 382](#)

(**106**) Paragraph 21(2) was amended by regulation 4(13) of [S.R. 2008 No. 378](#), regulation 6(7) of [S.R. 2008 No. 498](#), regulation 7(3) of [S.R. 2013 No. 67](#) and Article 27(9) of [S.I. 2013/3021](#)

(**107**) [S.R. 2008 No. 280](#)

- (5) In regulation 93(2) (date on which income is treated as paid)—
- (a) for “or severe disablement allowance” substitute “, severe disablement allowance or universal credit”; and
 - (b) for “the day of the benefit week” substitute “on any day”.
- (6) In regulation 167(b) (modification in the calculation of income) after “income support” insert “, universal credit”.
- (7) In paragraph 6 (severe disability premium)(**108**) of Schedule 4 (amounts)—
- (a) in sub-paragraph (2)(a)(iii), for “a carer’s allowance under section 70 of the Contributions and Benefits Act” substitute “a carer’s allowance or has an award of universal credit which includes the carer element”;
 - (b) in the closing words of sub-paragraph (2)(b)—
 - (i) after “carer’s allowance” insert “or has an award of universal credit which includes the carer element”, and
 - (ii) after “such an allowance” insert “or has such an award of universal credit”;
 - (c) in sub-paragraph (5)(b)—
 - (i) after “carer’s allowance” insert “or having an award of universal credit which includes the carer element”, and
 - (ii) after “be so entitled and in receipt” insert “of carer’s allowance or have such an award of universal credit”;
 - (d) in sub-paragraph (6) after “carer’s allowance” insert “or universal credit which includes the carer element”;
 - (e) in sub-paragraph (8)—
 - (i) after “carer’s allowance” insert “or as having an award of universal credit which includes the carer element”, and
 - (ii) after “that allowance” insert “or had such an award”;
 - (f) after sub-paragraph (9) insert—

“(10) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016.”.
- (8) In Schedule 6 (housing costs)—
- (a) in paragraph 1(3) (housing costs - meaning of disabled person)—
 - (i) at the end of paragraph (c) omit “or”,
 - (ii) at the end of paragraph (d) insert “or”, and
 - (iii) after paragraph (d) insert —
 - “(e) who is entitled to an award of universal credit the calculation of which includes an amount under regulation 28(1) of the Universal Credit Regulations (Northern Ireland) 2016 in respect of the fact that that person has limited capability for work or limited capability for work and work-related activity, or would include such an amount but for regulation 28(4) or 30(4) of those Regulations;”;
 - (b) in paragraph 19(7) (non-dependant deductions)—
 - (i) at the end of paragraph (g) omit “or”,

(ii) at the end of paragraph (h) insert “or”,

(iii) after paragraph (h) insert—

“(i) if the non-dependant is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that the non-dependant does not have any earned income.”, and

(iv) after sub-paragraph (7) insert—

“(7A) For the purposes of sub-paragraph (7)(i), “earned income” has the meaning given in regulation 51 of the Universal Credit Regulations (Northern Ireland) 2016.”.

(9) In paragraph 9(b) of Schedule 8, (sums to be disregarded in the calculation of income other than earnings)(109) after “income support” insert “, universal credit”.

(10) In paragraph 11 of Schedule 9 (capital to be disregarded)—

(a) in sub-paragraph (1)(b) after “income-based jobseeker’s allowance” insert “, universal credit”;

(b) in sub-paragraph (3)—

(i) in head (a) and (b) after “income support” insert “, universal credit”,

(ii) at the end of head (b)(ii) omit “or”,

(iii) at the end of head (b)(iii) for the “.” substitute “; or”, and

(iv) after head (b)(iii) insert—

“(iv) in a case where universal credit is awarded to the claimant and another person as joint claimants, either the claimant or the other person, or both of them, received the relevant sum”.

Commencement Information

I20 Reg. 36 comes into operation in accordance with [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016, CHAPTER 1.