
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 Employment and Support Allowance Regulations

36.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(1) 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”.
- (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)(2) 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;”;

(2) Paragraph 6 was amended by regulation 11(3) of [S.R. 2001 No. 291](#) and regulation 21(14) of [S.R. 2011 No. 357](#)

- (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)(3) 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

II 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, Section 36.