
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 116

**The Social Security (Miscellaneous Amendments)
Regulations (Northern Ireland) 2017**

Amendment of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016

12.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016⁽¹⁾ are amended in accordance with paragraphs (2) to (7).

(2) In Part 2 before Chapter 1 (entitlement to other benefits) insert—

“CHAPTER A1

ENTITLEMENT TO CLAIM UNIVERSAL CREDIT

Department discretion to determine that claims for universal credit may not be made

2A.—(1) Where the Department considers it necessary, in order to—

- (a) safeguard the efficient administration of universal credit; or
- (b) ensure the effective testing of systems for the administration of universal credit,

to cease to accept claims in any area, or in any category of case (either in all areas or in a specified area), the Department may determine that claims for universal credit may not be made in that area, or in that category of case.

(2) A determination under paragraph (1) has effect until it ceases to have effect in accordance with a further determination made by the Department.

(3) More than one determination under paragraph (1) may have effect at the same time.”

(3) In regulation 8(1)(a) (treatment of overpayments) after “tax credit” insert “, any housing benefit in the form of a rate rebate awarded in accordance with regulation 12 of the Housing Benefit Regulations”.

(4) For regulation 10(4) (modification of tax credits legislation: overpayments and penalties) substitute—

“(4) For section 29(4) substitute—

“(4) Where a notice states that this subsection applies in relation to an amount (or part of an amount), it may be recovered—

- (a) subject to provision made by regulations, by deduction from payments of any tax credit under an award made for any period to the person, or either or both of the persons, to whom the notice was given; or
- (b) subject to regulation made by the Department for Social Development under the Social Security Administration (Northern Ireland) Act 1992⁽²⁾—

(1) S.R. 2016 No. 226.

(2) 1992 c. 8.

- (i) by deductions under section 69ZC of that Act (deduction from benefit) **(3)**,
 - (ii) by deductions under section 69ZD of that Act**(4)** (deduction from earnings), or
 - (iii) as set out in section 69ZE of that Act**(5)** (court action etc).””
- (5) In regulation 21(1)(b) (transition from jobseeker’s allowance following an extended period of sickness) for “regulation 16” substitute “regulation 46”.
- (6) In regulation 33 (sanctions: transition from old style JSA)—
- (a) in paragraph(1)(b) after “the Jobseekers Order 1995” insert “, or under regulation 69B of the JSA Regulations 1996**(6)**”;
 - (b) in paragraph (3)(a)(ii) after “the Jobseekers Order” insert “1995 or regulation 69B of the JSA Regulations 1996”; and
 - (c) after paragraph (3) add—
 - “(4) The reduction period for the purposes of the Universal Credit Regulations is a period of the number of days which is equivalent to the length of the period of reduction which is applicable to the person under regulation 69, 69A or 69B of the JSA Regulations 1996, minus—
 - (a) the number of days (if any) in that period in respect of which the amount of old style JSA was reduced; and
 - (b) if the award of old style JSA terminated before the first date of entitlement to universal credit in connection with the current award, the number of days (if any) in the period after termination of that award, before the start of the universal credit award.
 - (5) Accordingly, regulation 98 of the Universal Credit Regulations applies in relation to the JSA failure as if, in paragraphs (1) and (3), for “in accordance with regulations 99 to 102” there were substituted “in accordance with regulation 33 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016”.
 - (6) Where the JSA award was made to a joint-claim couple within the meaning of the Jobseekers Order 1995 and the JSA failure related to only one member of the couple, the daily reduction rate for the purposes of regulation 108 of the Universal Credit Regulations (daily reduction rate) is the amount calculated in accordance with regulation 70(3) of the JSA Regulations 1996**(7)** in respect of the JSA award, divided by 7 and rounded down to the nearest 10 pence, unless regulation 108(2) or (3) of the Universal Credit Regulations applies.
 - (7) Where the daily reduction rate is to be determined in accordance with paragraph (6), regulation 108(1) of the Universal Credit Regulations applies in relation to the JSA failure as if, for the words from “an amount equal to” to the end there were substituted the words “an amount determined in accordance with regulation 33 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016”.
 - (8) For the purposes of this regulation, a determination that payments in respect of the JSA award are to be reduced under regulation 69, 69A or 69B of the JSA Regulations 1996 is to be taken into account even if the JSA award subsequently terminated (in so far as it was an award of income-based jobseeker’s allowance) on a date before the date

(3) Section 69ZC is inserted by Article 109 of [S.I 2015/2006 \(N.I.1\)](#).
(4) Section 69ZD is inserted by Article 109 of [S.I 2015/2006 \(N.I.1\)](#).
(5) Section 69ZE is inserted by Article 109 of [S.I 2015/2006 \(N.I.1\)](#).
(6) Regulation 69B is inserted by regulation 2(2) of [S.R. 2016 No. 241](#).
(7) Regulation 70 is substituted by regulation 2(3) of [S.R. 2016 No. 241](#).

on which that determination was made, by virtue of an order made under Article 2(2) of the Order.”.

- (7) In regulation 34 (escalation of sanctions: transition from old style JSA)—
- (a) in paragraph (2)(b) after “the Jobseekers Order 1995” insert “, or under regulation 69B of the JSA Regulations 1996”;
 - (b) in the closing words at the end of paragraph (2) after “regulation 69” insert “, 69A or 69B”; and
 - (c) in paragraph (3)(b) after “the Jobseekers Order 1995” insert “, or under regulation 69B of the JSA Regulations 1996”.