

This Statutory Regulation has been made in consequence of a defect in S.R. 2016 No. 216 and is being issued free of charge to all known recipients of those Statutory Regulations

STATUTORY RULES OF NORTHERN IRELAND

2021 No. 303

SOCIAL SECURITY

The Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations (Northern Ireland) 2021

Made - - - - 22nd November 2021
Coming into operation 15th December 2021

The Department for Communities⁽¹⁾ makes the following Regulations in exercise of the powers conferred by Articles 9(2) and 48(1) and (2) of, and paragraph 1(1) and 4(1)(b) and (2) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015⁽²⁾.

The powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020⁽³⁾.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations (Northern Ireland) 2021 and come into operation on 15th December 2021.

(2) These Regulations apply in relation to a claim for universal credit that is made on or after 15th December 2021.

(3) Any amendment made by these Regulations has the same extent as the provision amended.

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

2. Regulation 14 of the Universal Credit Regulations (Northern Ireland) 2016⁽⁴⁾ (exceptions to the requirement not to be receiving education) is amended as follows—

(1) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(2) S.I. 2015/2006 (N.I. 1)
(3) S.I. 2020 No. 927
(4) S.R. 2016 No. 216, regulation 14 was amended by regulation 2(1)(b) of the Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations (NI) 2020 (S.R. 2020 No.166)

- (a) for paragraph (1)(b) substitute—
 - “(b) the person is entitled to attendance allowance, disability living allowance, child disability payment or personal independence payment and, on a date before the date on which the person starts receiving education—
 - (i) it has been determined that the person has limited capability for work or limited capability for work and work-related activity on the basis of an assessment under Part 5 or under Part 4 or 5 of the ESA Regulations; or
 - (ii) the person is treated as having limited capability for work under Schedule 8 or limited capability for work and work-related activity under Schedule 9;”;
- (b) omit paragraph (2).

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

3. Regulation 19 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016⁽⁵⁾ (transition from old style ESA) is amended as follows—

- (a) in paragraph (2)(b), for “the Order.” substitute—
 - “the Order; and
 - (c) the claimant is to be treated as if the determination that they have limited capability for work, for the purposes of regulation 14(1)(b) of the Universal Credit Regulations, was made before the date on which the claimant started receiving education (see regulations 12(2) and 13 of the Universal Credit Regulations).”;
- (b) in paragraph (4)—
 - (i) in sub-paragraph (a), omit the “and” at the end;
 - (ii) in sub-paragraph (b) for “the Order”.” substitute—
 - “the Order; and
 - (c) the claimant is to be treated as if the determination that they have limited capability for work and work-related activity, for the purposes of regulation 14(1)(b) of those Regulations, was made before the date on which the claimant started receiving education.”.

Sealed with the Official Seal of the Department for Communities on 22nd November 2021

(L.S.)

Anne McCleary
A senior officer of the Department for
Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 216](#)) and the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 ([S.R. 2016 No. 226](#)).

Regulation 2 substitutes a new paragraph 1(b) in regulation 14 of the Universal Credit Regulations (Northern Ireland) 2016 which sets out the exceptions to the requirement to meet the basic condition not to be receiving education. This provides that a person entitled to attendance allowance, disability living allowance, child disability payment or personal independence payment will be entitled to universal credit if they are determined to have a limited capability for work (LCW) or limited capability for work and work related activity (LCWRA) on a date before they started receiving education or they are treated as having LCW or LCWRA before that date. Paragraph 2 of regulation 14 of those Regulations, which contains an interpretation provision is omitted as it is no longer needed.

Regulation 3 amends regulation 19 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016. The amendments enable a person who transitions from income-related employment and support allowance to universal credit to be treated as having been determined to have LCW or LCWRA before the date the person started receiving education so that they will be entitled to universal credit.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 ([c.8](#)) are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

A full impact assessment has not been produced for these Regulations as no, or no significant impact on the private, public or voluntary sectors is foreseen.