Draft Regulations laid before the Assembly under Articles 137(5) and 137A(9) of the Welfare Reform (Northern Ireland) Order 2015, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2025 No.000

WELFARE

The Welfare Supplementary Payment (Universal Credit) Regulations (Northern Ireland) 2025

Made - - - - 2025

Coming into operation in accordance with regulation 1

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by Articles 137 and 137A of the Welfare Reform (Northern Ireland) Order 2015(**b**).

In accordance with Articles 137(5) and 137A(9) of that Order, a draft of these Regulations has been laid before and approved by a resolution of the Assembly.

PART 1

INTRODUCTION

Citation, commencement and cessation

1.—(1) These Regulations may be cited as the Welfare Supplementary Payment (Universal Credit) Regulations (Northern Ireland) 2025.

(2) These Regulations come into operation on the day after the day they are made.

(3) These Regulations cease to have effect on 31st March 2028.

No retrospective entitlement

2. These Regulations do not confer entitlement to a welfare supplementary payment in respect of a period before they come into operation.

(**a**) *See* section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**b**) S.I. 2015/2006 (N.I. 1); Article 137 was amended by Article 18(2) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I.2016/999 (N.I.1)) (the 2016 Order) Article 137A was inserted by Article 19(2) of the 2016 Order as amended by the Welfare Supplementary Payments (Amendment) Act 2022

PART 2

AMENDMENT OF WELFARE SUPPLEMENTARY PAYMENT REGULATIONS

CHAPTER 1

ENTITLEMENTS

Interpretation

3. In regulation 1 of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016(**a**)(citation, commencement and interpretation), in paragraph (2), insert in the appropriate place in alphabetical order—

"the 2025 Regulations" means the Welfare Supplementary Payment (Universal Credit) Regulations (Northern Ireland) 2025;

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016(**b**);".

Information sharing on benefit cap

4. In regulation 4H of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016 (information sharing), in paragraph (2)—

(a) after "for the purposes of" insert,

"—

(a) ",and

(b) at the end insert—

", or

(b) determining whether a person is entitled to a discretionary housing payment under the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(**c**)".

Contributory employment and support allowance

5.—(1) Part 3 of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016 (contributory employment and support allowance) is amended as follows.

(2) In regulation 7(**d**) (entitlement to welfare supplementary payment), in paragraph (3), after sub-paragraph (b) insert—

"; or

(c) is assessed as having limited capability for work for the purposes of the Universal Credit Regulations".

(3) After that paragraph insert—

"(3A) Where—

(a) person becomes entitled to universal credit at a time when welfare supplementary payments are payable in respect of a person under paragraph (1); and

(b) the person has limited capability for work,

the person continues to be entitled to welfare supplementary payment under this Part.

(3B) This paragraph applies to a person-

(**a**) S.R. 2016 No. 178; relevant amending Regulations are S.R 2016 No. 389; S.R 2017 No. 28; S.R. 2022 No. 25, S.R. No. 32 and S.R. 2025 No. XX

(**b**) S.R. 2016 No. 216

(**c**) S.R. 2001 No. 216; relevant amendments have been made by S.R. 2002 No. 80, S.R. 2008 No. 111, S.R. 2011 No. 291, S.R. 2012 No. 44, S.R. 2014 No. 150, S.R. 2016 No. 178 and S.R. 2016 No. 432

(**d**) Regulation 7 was amended by regulation 25 of S.R. 2017 No. 28

(a) whose entitlement to welfare supplementary payments under paragraph (1) ceased before the expiration of one year from the date entitlement commenced;

(b) who is entitled to universal credit; and

(c) who has limited capability for work.

(3C) A person to whom paragraph (3B) applies resumes entitlement to welfare supplementary payment under this Part on the day on which the 2025 Regulations come into operation.".

(4) In regulation 8 (amount of welfare supplementary payment) after paragraph (b) insert—

"(c) in the cases mentioned in regulation 7(3A), the amount of the welfare supplementary payment to which the person was entitled under this Part immediately before becoming entitled to universal credit,

(d) in the cases mentioned in regulation 7(3C), the amount of the welfare supplementary payment to which the person was entitled immediately before that entitlement ceased.".

(5) In regulation 9 (change of circumstances), after paragraph (3) insert—

"(3A) If a person ceases to have limited capability for work (within the meaning of regulation 7) during the person's period of entitlement, the person's entitlement to a welfare supplementary payment under this Part shall cease.".

(6) In regulation 9A(**a**) (effective date of change of circumstances), in paragraph (2), after "contributory employment and support allowance" insert "or universal credit".

(7) In regulation 10 (payment of welfare supplementary payment)—

(a) in paragraph (1), after "in arrears" insert ", unless in any case or class of case in which a person is entitled to universal credit the Department arranges otherwise";

(b) in paragraph (3), after sub-paragraph (a) insert—

"; or

(ab) where the person is entitled to welfare supplementary payment in accordance with paragraph (3A) or (3C) of regulation 7 but ceases to have limited capability for work for the purposes of that regulation, on the day on which the person so ceases; or".

Carer payments

6.—(1) The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016(**b**) are amended as follows.

(2) In regulation 2(**c**) (interpretation), in paragraph (1) insert in the appropriate place in alphabetical order —

""the 2025 Regulations" means the Welfare Supplementary Payment (Universal Credit) Regulations (Northern Ireland) 2025,";

""carer element" has the same meaning as in regulation 30 of the Universal Credit Regulations,";

""the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016.".

(3) After regulation 3(**d**)(welfare supplementary payments) insert—

(**a**) Regulation 9A was inserted by regulation 27 of S.R. 2017 No. 28
(**b**) S.R. 2016 No. 253; relevant amending Regulations are S.R. 2017 No. 28; S.R. 2022 No. 25 and S.R. 2025 No XX
(**c**) Regulation 2 was amended by regulation 38 of S.R. 2017 No. 28 and by regulation 4(2) of S.R. 2022 No. 25
(**d**) Paragraphs (4) to (6) of regulation 3 were inserted by regulation 39 of S.R. 2017 No. 28

"Welfare supplementary payment and universal credit

3A.—(1) If a person who is entitled to welfare supplementary payment under regulation 3(2) is or becomes entitled to universal credit, the person continues to be entitled to welfare supplementary payment.

(2) Where the person becomes entitled to universal credit as a member of a couple who are entitled to the award as joint claimants, the couple are entitled to the welfare supplementary payment under paragraph (1); and references to a person's entitlement to welfare supplementary payment are to be construed accordingly."

(4) In regulation 5 (amount)—

(a) in the title for "Amount" substitute "Amount (non-universal credit cases)",

(b) before paragraph (1) insert—

"(A1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3."

(c) after that regulation insert—

"Amount (universal credit cases)

5AA.—(1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3A.

(2) In the case of a person who becomes entitled to universal credit after the coming into operation of the 2025 Regulations, the amount of welfare supplementary payment payable is whichever is the lesser of-

(a) the amount for the time being specified as the carer element in the table in regulation 38 of the Universal Credit Regulations; or

(b) the amount of welfare supplementary payment which was payable under this Part immediately before the person became entitled to universal credit.

(3) If the amount of welfare supplementary payment changes under paragraph (2) when the person becomes entitled to universal credit, the changed amount begins to be payable on the date on which the person becomes so entitled.

(4) In the case of a person who became entitled to universal credit before the coming into operation of the 2025 Regulations, the amount of welfare supplementary payment payable is whichever is the lesser of-

(a) the amount for the time being specified as the carer element in the table in regulation 38 of the Universal Credit Regulations; or

(b) the amount of welfare supplementary payment to which the person was entitled under this Part immediately before the coming into operation of the 2025 Regulations.

(5) Where the amount of welfare supplementary payment payable is calculated in accordance with paragraphs (2)(a) or (4)(a) the amount payable for each period referred to in regulation 6(1) is (subject to any arrangements made under that provision) calculated as follows, with A being the amount of welfare supplementary payment payable—

$$\left(\frac{A \times 12}{365}\right) \times 28.$$

(6) Where the amount of welfare supplementary payment would, but for this paragraph, include a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and otherwise it is to be treated as a penny."

(5) In each of regulations 6(1), 10(1) and 14(1) (period of payment), after "in arrears" insert ", unless in any case or class of case in which a person is entitled to universal credit the Department arranges otherwise".

(6) In regulation 9 (amount)—

(a) in the title for "Amount" substitute "Amount (non-universal credit cases)",

(b) before paragraph (1) insert—

"(A1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3.",

(c) after that regulation insert—

"Amount (universal credit cases)

9A.—(1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3A.

(2) The amount of welfare supplementary payment payable is equal to the amount which was payable immediately before the person became entitled to universal credit.".

(7) In regulation 13 (amount)—

(a) in the title for "Amount" substitute "Amount (non-universal credit cases)",

(b) the existing text is renumbered as paragraph (2), and before that paragraph insert—

"(1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3.",

(c) after that regulation insert—

"Amount (universal credit cases)

13A.—(1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3A.

(2) In the case of a person who becomes entitled to universal credit after the coming into operation of the 2025 Regulations, the amount of welfare supplementary payment payable is whichever is the lesser of—

(a) the amount for the time being specified as the carer element in the table in regulation 38 of the Universal Credit Regulations; or

(b) the amount of welfare supplementary payment which was payable under this Part immediately before the person became entitled to universal credit.

(3) If the amount of welfare supplementary payment changes under paragraph (2) when the person becomes entitled to universal credit, the changed amount begins to be payable on the date on which the person becomes so entitled.

(4) In the case of a person who became entitled to universal credit before the coming into operation of the 2025 Regulations, the amount of welfare supplementary payment payable is whichever is the lesser of—

(a) the amount for the time being specified as the carer element in the table in regulation 38 of the Universal Credit Regulations; or

(b) the amount of welfare supplementary payment to which the person was entitled under this Part immediately before the coming into operation of the 2025 Regulations.".

(8) In regulation 17 (amount)—

(a) in the title for "Amount" substitute "Amount (non-universal credit cases)",

(b) before paragraph (1) insert—

"(A1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3.",

(c) after that regulation insert—

"Amount (universal credit cases)

17A.—(1) This regulation applies where a person is entitled to welfare supplementary payment by virtue of regulation 3A.

(2) The amount of welfare supplementary payment payable is equal to the amount which was payable immediately before the person became entitled to universal credit.".

(9) In Part 6 (general), after regulation 21A(**a**) insert—

"Termination of welfare supplementary payment on award of universal credit (carer element)

21AA.—(1) This regulation applies where a person who is entitled to a welfare supplementary payment under these Regulations becomes entitled to an award of universal credit which includes the carer's element in respect of that person only.

(2) Welfare supplementary payment must cease to be paid from the date on which the person becomes entitled to that award of universal credit.".

Disability-related premiums

7.—(1) The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016(**b**) are amended as follows.

(2) After regulation 3 (welfare supplementary payment) insert—

"Welfare supplementary payment and universal credit

3A.—(1) If a person who is entitled to welfare supplementary payment under regulation 3 is or becomes entitled to universal credit, the person continues to be entitled to welfare supplementary payment.

(2) Where the person becomes entitled to universal credit as a member of a couple who are entitled to the award as joint claimants, the couple are entitled to the welfare supplementary payment under paragraph (1); and references to a person's entitlement to welfare supplementary payment are to be construed accordingly.

(3) If the person ceases to be entitled to universal credit, and is not receiving state pension credit under the State Pension Credit Act (Northern Ireland) 2002(**c**), welfare supplementary payment under these Regulations must cease to be paid to that person from the date on which the entitlement to universal credit ceases.".

(3) In each of regulation 8(1), 17(1), 24(1), 30(1) and 36(1) (period of payment), after "in arrears" insert ", unless in any case or class of case in which a person is entitled to universal credit the Department arranges otherwise".

Housing benefit

8.—(1) The Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017(**d**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (3) insert in the appropriate place in alphabetical order—

""Overpayment Regulations" means the Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016."

(3) In regulation 10 (recovery of overpayment: deduction from certain welfare supplementary payments) after paragraph (1) insert—

"(1A) A deduction under paragraph (1) may, for any period for which a welfare supplementary payment or relevant payment is payable in that person's case, be made from the amount payable at a rate not exceeding that specified at regulation 11(2)(a) of the

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(**a**) Regulation 21A was inserted by regulation 42 of S.R. 2017 No. 28 and amended by regulation 4(6) of S.R. 2022 No. 25
(**b**) S.R. 2016 No. 254; relevant amending Regulations are S.R. 2017 No. 28, S.R. 2022 No. 25 and S.R. 2025 No XX
(**c**) 2002 c. 14 (N.I.)
(**d**) S.R. 2017 No. 35 amended by regulation 4 of S.R. 2022 No. 32

Overpayment Regulations and it is for the Department in any given case to decide whether to act under this paragraph or under paragraph (2) or under both.".

(4) In regulation 12 (recovery of overpayment: deduction from earnings), before paragraph (1) insert—

"(A1) This regulation does not apply in respect of a person who is entitled to universal credit.".

(5) In consequence of paragraph (4), in regulation 9, after paragraph (1) insert—

"(1A) In the application of this regulation to a case where regulation 12 does not apply by virtue of paragraph (A1) of that regulation, paragraph (1) of this regulation has effect as if sub-paragraph (c) were omitted and, in sub-paragraph (d), the reference to regulation 12 were omitted.".

CHAPTER 2

OVERPAYMENTS

Introduction

9. Part 2 of the Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017(**a**) (recovery of overpayment) is amended in accordance with this Chapter.

Interpretation

10. In regulation 5 (interpretation of this Part) insert in the appropriate place in alphabetical order—

""Overpayment Regulations" means the Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016.".

Persons from whom recovery may be made

11. In regulation 8 (persons from whom overpayments may be recovered)—

(a) in paragraph (3), for "regulation 33 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987" substitute "the relevant appointment provision";

(b) after that paragraph insert—

"(3A) In paragraph (3), "the relevant appointment provision" means—

(a) regulation 33 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**b**);

(b) regulation 52 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(**c**).";

(c) in paragraph (5), after "as the case may be" insert "or, where there is a person appointed or nominated as mentioned in paragraph (3) or (4), from that person or from A".

Deduction from welfare supplementary payments

12. In regulation 9 (deduction from certain supplementary payments)—

(a) after paragraph (1) insert—

"(1A) In the case of welfare supplementary payment, a deduction under paragraph (1)(a) may, for any period for which it is payable in that person's case, be made from the amount

(**a**) S.R. 2017 No. 28
(**b**) S.R. 1987 No. 465; relevant amending Regulations S.R.1992 No.7, S.R. 2002 No. 297, S.R. 2005 No. 46 and S.R. 2006 No. 407
(**c**) S.R. 2016 No. 220

payable at a percentage rate not exceeding that specified at regulation 11(2)(a) of the Overpayment Regulations and it is for the Department in any given case to decide whether to act under this paragraph or under paragraph (2) or under both.";

(b) in paragraph (2), for "must" substitute "may".

Deduction from benefits

13.—(1) In regulation 10—

(a) in the title for "Deductions from benefits" substitute "Deductions from benefits (non-universal credit cases)",

(b) before paragraph (1) insert—

"(A1) This regulation applies where an overpayment has been made in respect of a person who was not entitled to universal credit when the overpayment was made (even if the person has since become so entitled).",

(c) after that regulation insert—

"Deductions from benefits (universal credit cases)

10A.—(1) This regulation applies where an overpayment has been made in respect of a person who was entitled to universal credit when the overpayment was made.

(2) The Department may, in the case of a person from whom an amount is recoverable, recover the outstanding amount (subject to regulation 7(1)(b)) by making deductions from such amounts as are payable by way of relevant benefit in that person's case.

(3) Each of the benefits listed in Schedule 1 is a "relevant benefit".

(4) In the case of employment and support allowance, a deduction under this regulation for any period for which the allowance is payable in that person's case, must not exceed an amount calculated using the formula-

P x A

Where—

P is the percentage rate specified in regulation 13(2) of the Overpayment Regulations; and

A is the age related amount applicable to that person for the time being specified in regulation 62(1)(b) of the Employment and Support Allowance Regulations (Northern Ireland) 2016(**a**).

(5) In the case of jobseeker's allowance, a deduction under this regulation for any period for which the allowance is payable in that person's case, must not exceed an amount calculated using the formula-

P x A

Where—

P is the percentage rate specified in regulation 12(2) of the Overpayment Regulations; and

A is the age related amount applicable to that person for the time being specified in regulation 49 of the Jobseekers Allowance Regulations (Northern Ireland) 2016(**b**).

(6) In the case of state pension credit, a deduction under this regulation for any period for which the credit is payable in that person's case must not exceed an amount calculated using the formula-

(**a**) S.R. 2016 No. 219
(**b**) S.R. 2016 No. 218

P x A

Where—

P is the percentage rate specified in regulation 14(2)(b) of the Overpayment Regulations; and

A is the amount of the standard allowance for a single claimant aged 25 or over for the time being specified in regulation 38 of the Universal Credit Regulations (Northern Ireland) 2016(**a**).

(7) In the case of any other relevant benefit, a deduction under this regulation may, for any week for which the benefit is payable in that person's case, be made at the rate of not more than one-third of the amount of the benefit that is for the time being applicable to that person.

(8) Where the amount deductible under this regulation is not a multiple of 5 pence, it is to be rounded up to the next higher multiple of 5 pence.

(9) Paragraph (9) and (10) of regulation 10 apply for the purposes of this regulation as they apply for the purposes of that regulation.".

(2) In regulation 7 (means of recovery), in paragraph (1)—

(a) in sub-paragraph (b), after "regulation 10" insert "or 10A";

(b) in sub-paragraph (c), after "regulations 9 and 10" insert "or under regulations 9 and 10A"; and

(c) in sub-paragraph (d), after "regulations 9, 10, and 11" insert "or under regulations 9, 10A and 11".

Deduction from earnings

14.—(1) In regulation 11 (deduction from earnings), before paragraph (1) insert—

"(A1) This regulation does not apply in the case of a person who is entitled to universal credit.".

(2) In regulation 7 (means of recovery), after paragraph (2) insert—

"(2A) In the application of this regulation to a case where regulation 11 does not apply by virtue of paragraph (A1) of that regulation, paragraph (1) of this regulation has effect as if sub-paragraph (c) and the references to regulation 11 in sub-paragraph (d) were omitted.".

Off-setting in case of awards of back-dated benefit

15.—(1) In regulation 6 (circumstances in which overpayment may be recovered), in paragraph (5), for sub-paragraphs (a) to (c) substitute—

"(a) welfare supplementary payment is awarded;

(b) an award of a relevant social security benefit is made or the amount of an award of a relevant social security benefit is increased (regardless of whether entitlement to the benefit is linked to the welfare supplementary payment);

(c) the award includes an amount which represents back-dated benefit to which the person was entitled at a time when the person was receiving the welfare supplementary payment; and".

(2) In regulation 13—

(a) in the title for "Off-setting in the case of awards of benefit back-dated on appeal" substitute "Off-setting in the case of awards of back-dated benefit",

(b) in paragraph (2) omit "on the revision, supersession or appeal (as the case may be)".

(**a**) S.R. 2016 No. 216

PART 3

NEWLY AFFECTED UNIVERSAL CREDIT CLAIMANTS

CHAPTER 1

INTRODUCTION

Interpretation

16.—(1) In this Part—

"Claims Regulations" means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016(**a**);

"Decisions and Appeals Regulations" means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016(**b**);

"DLA Regulations" means the Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016(**c**);

"Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016(**d**);

"welfare benefit" has the meaning given in Article 101(7) of the Welfare Reform (Northern Ireland) Order 2015(**e**);

"the WRA 2007" means the Welfare Reform Act (Northern Ireland) 2007(**f**).

(2) In this Part "administrative payment" means a payment—

(a) made before Chapters 2, 3 or 4 come into operation,

(b) made from sums issued out of the Consolidated Fund of Northern Ireland under the authority of an Act of the Assembly or an Act of Parliament or under section 59 of the Northern Ireland Act 1998(**g**) and appropriated for the purposes of the Department; and

(c) that corresponds with what would have been paid in respect of a person as a welfare supplementary payment under Chapters 2, 3 or 4 if those Chapters had been in operation at the time the payment was made.

Welfare supplementary payments

17. Welfare supplementary payments are payable in accordance with this Part.

CHAPTER 2

BENEFIT CAP

Eligibility

18.—(1) A person who is entitled to welfare supplementary payment under this Chapter if the following conditions are met—

(a) the universal credit entitlement condition,

(b) the benefit cap reduction condition,

(**a**) S.R. 2016 No. 220
(**b**) S.R. 2016 No. 221
(**c**) S.R. 2016 No. 250; relevant amending Regulations are S.R. 2017 No. 28, S.R 2022 No. 25 and S.R. 2025 No.XX
(**d**) S.R. 2016 No. 216
(**e**) S.I. 2015/2006 (N.I. 1); Article 101(7) was amended by Article 5(4) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1))
(**f**) 2007 c. 2 (N.I.)
(**g**) 1998 c. 47

(c) the resident child condition.

(2) The universal credit entitlement condition is that the person receives universal credit.

(3) The benefit cap reduction condition is that the award of universal credit is reduced under regulation 81 of the Universal Credit Regulations (application of benefit cap).

(4) The resident child condition is that the person resides with a child or qualifying young person for whom that person or that person's partner is responsible.

(5) Where the person is entitled to universal credit as a member of a couple who are entitled to the award as joint claimants, the couple are entitled to the welfare supplementary payment; and references to a person's entitlement to welfare supplementary payment are to be construed accordingly.

(6) In this regulation—

(a) "child", "partner" and "qualifying young person" each have the same meaning as in the Universal Credit Regulations,

(b) a person is responsible for a child or qualifying young person if the person is responsible for them for the purposes of the Universal Credit Regulations.

Amount

19. The amount of welfare supplementary payment to which a person is entitled under this Chapter is equivalent to the amount by which the award of universal credit is reduced under regulation 81 of the Universal Credit Regulations.

Payment

20.—(1) In the case of a person who becomes entitled to universal credit after the coming into operation of these Regulations, the period during which welfare supplementary payments are payable under this Chapter begins on the day on which the award of universal credit is reduced under regulation 81 of the Universal Credit Regulations.

(2) In the case of a person who became entitled to universal credit before the coming into operation of these Regulations, the period during which welfare supplementary payment are payable under this Chapter begins on the day on which these Regulations come into operation.

(3) A welfare supplementary payment to which a person is entitled under this Chapter must be paid every four weeks, or as soon as is reasonably practicable after that, in arrears, unless in any class or case the Department arranges otherwise.

(4) A welfare supplementary payment to which a person is entitled under this Chapter must be paid to that person or, if there is in that person's case a person appointed under regulation 52 of the Claims Regulations, it must be paid to the person so appointed.

Termination

21. Where an award of universal credit ceases to be reduced under regulation 81 of the Universal Credit Regulations, welfare supplementary payments under this Chapter must cease to be paid from the day after the first payment of welfare supplementary payment following the date on which the award ceases to be reduced.

Discretionary housing support: prevention of double payment

22. In the Discretionary Financial Assistance regulations (Northern Ireland) 2001, in regulation 3 (circumstances in which discretionary housing payments may be made), at the end add—

"(n) a reduction under regulation 81 of the Universal Credit Regulations (Northern Ireland) 2016 of the amount of universal credit to which a person is entitled if that reduction—

(i) relates to the universal credit of a person who is entitled to a welfare supplementary payment under Chapter 2 of Part 3 of the Welfare Supplementary Payment (Universal Credit) Regulations (Northern Ireland) 2025, and

(ii) is no more than the amount determined under regulation 19 of those Regulations.".

Information sharing

23.—(1) The Department may share information on welfare supplementary payments and administrative payments with the Northern Ireland Housing Executive.

(2) The information may only be shared for the purposes of determining whether a person is entitled to a discretionary housing payment under the Discretionary Financial Assistance Regulations (Northern Ireland) 2001.

(3) The Housing Executive must not supply the information supplied to it to any person without the authority of the Department.

(4) Where information supplied under this regulation has been used for the purpose for which it was supplied, it is lawful for it to be used for any purposes for which information held for those purposes could reasonably be used.

(5) This regulation does not limit the circumstances in which information may be supplied apart from this regulation.

CHAPTER 3

LOSS OF CARER ELEMENT

Interpretation

24. An expression used in this Chapter and in the Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016(**a**) has the same meaning in this Chapter as in those Regulations.

Eligibility

25.—(1) A person is entitled to welfare supplementary payment under this Chapter if the following conditions are met—

(a) the carer element entitlement condition;

(b) the personal independence payment daily living component refusal condition;

(c) the caree reaching 16 condition; and

(d) the termination of carer element entitlement condition.

(2) The carer element entitlement condition is that a person is in receipt of universal credit and that, on the transition date, the award of universal credit includes the carer element.

(3) The personal independence payment daily living component refusal condition is that, following a transitional assessment determination, the caree is not awarded the daily living component of personal independence payment.

(4) The caree reaching 16 condition is that the transitional assessment determination arises because the caree has reached the age of 16 and as a consequence is no longer a DLA entitled person within the meaning of the Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016.

(5) The termination of carer element entitlement condition is that, in consequence of the personal independence payment daily living component refusal condition, the decision of the

(**a**) S.R. 2016 No. 253; relevant amending Regulations are S.R. 2017 No. 28, S.R. 2022 No. 25 and S.R.2025 No..XX

Department to make an award of universal credit which includes the carer element is superseded by a decision of the Department to make an award of universal credit which does not include the carer element.

(6) Where the person is entitled to universal credit as a member of a couple who are entitled to the award as joint claimants, the couple are entitled to the welfare supplementary payment; and references to a person's entitlement to welfare supplementary payment are to be construed accordingly.

Amount

26.—(1) The amount of a welfare supplementary payment payable under this Chapter is equal to the amount of the carer element which was included in the award of universal credit.

(2) The amount payable for each period referred to in regulation 27(3) is (subject to any arrangements made under that provision) calculated as follows, with A being the amount of the carer element which was included in the award of universal credit—

$$\left(\frac{A \times 12}{365}\right) \times 28.$$

(3) Where the amount of welfare supplementary payment would, but for this paragraph, include a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and otherwise it is to be treated as a penny.

Payment

27.—(1) In a case where the conditions under regulation 25(1) are not met until after the coming into operation of these Regulations, the period during which welfare supplementary payments are payable under this Chapter—

(a) begins on the day after the day on which entitlement to an award of universal credit including the carer element ceases; and

(b) ends one year after the day on which it begins.

(2) In a case where the conditions under regulation 25(1) were met immediately before the coming into operation of these Regulations, and a person was receiving an administrative payment, the period during which welfare supplementary payments are payable under this Chapter—

(a) begins on the day on which these Regulations come into operation; and

(b) ends one year after the day on which entitlement to an award of universal credit including the carer element ceased.

(3) Welfare supplementary payment under this Chapter must be paid at intervals of four weeks or as soon as is reasonably practicable after that, in arrears, unless in any case or class of case the Department arranges otherwise.

(4) A welfare supplementary payment to which a person is entitled under this Chapter must be paid to that person or, if there is in that person's case a person appointed under regulation 52 of the Claims Regulations, it must be paid to the person so appointed.

Termination of a welfare supplementary payment on a new award of carer element or carer's allowance

28.—(1) Welfare supplementary payment under this Chapter must cease to be paid to a person from the date on which the person becomes entitled to—

(a) an award of universal credit which includes the carer element in respect of that person only; or

(b) carer's allowance.

(2) The entitlement to an award of universal credit which includes the carer element must arise out of—

(a) a new award of universal credit which includes the carer element in respect of the original carer;

(b) a revision under Article 10 of the Social Security (Northern Ireland) Order 1998(**a**);

(c) a supersession of a previous decision under Article 11 of that Order(**b**)

(d) an appeal under Article 13 or 15 of that Order(**c**).

(3) The entitlement to carer's allowance must arise out of—

(a) a new claim for carer's allowance; or

(b) a matter referred to in paragraph (2)(b), (c) or (d).

Termination of welfare supplementary payment if caree ceases to be entitled to welfare supplementary payment for loss of disability living allowance

29.—(1) This regulation applies if the caree—

(a) ceases to be entitled to welfare supplementary payment under the DLA Regulations after the coming into operation of these Regulations; or

(b) ceased to be so entitled before the coming into operation of these Regulations.

(2) In a case within paragraph (1)(a), welfare supplementary payment under this Chapter must cease to be paid from the day after the first payment of welfare supplementary payment under this Chapter following the date on which the caree ceased to be entitled to the payment under regulation 6 of the DLA Regulations.

(3) In a case within paragraph (1)(b), welfare supplementary payment under this Chapter must not be paid.

(4) Paragraphs (2) and (3) do not apply if—

(a) the entitlement of the caree to welfare supplementary payment under Part 2 of the DLA Regulations (appeal pending against refusal of PIP) ceases, but

(b) the caree becomes entitled to welfare supplementary payment under Part 4 of those regulations (conflict related cases) by virtue of regulation 14 of those Regulations.

Termination of welfare supplementary payment if entitlement to personal independence payment ceases or daily living component awarded

30.—(1) This regulation applies if the caree—

(a) ceases to be entitled to personal independence payment; or

(b) is awarded the daily living component of personal independence payment.

(2) Welfare supplementary payment under this Chapter must cease to be paid from the day after the first payment of welfare supplementary payment after the date on which the entitlement ceases or the award is made.

Welfare supplementary payment pending appeal against refusal of PIP under the DLA Regulations

31.—(1) This regulation applies where a caree is entitled to further welfare supplementary payment in accordance with regulation 6(4) of the DLA Regulations (appeal to the Commissioner following a refusal of personal independence payment).

(**a**) S.I. 1998/1506 (N.I. 10)

(**b**) Article 11 was amended by paragraph 17 of Schedule 6 to the Social Security Contributions (Transfer of Functions, etc) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**c**) Article 13 was amended by paragraph 19 of Schedule 6 to S.I. 1999/671; Article 4(2) of S.I. 2014/886 and Articles 107(2), (3), (4) and 109(6) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))

(2) The carer is entitled to further welfare supplementary payment under this Chapter as set out in paragraphs (3) and (4).

(3) The period during which further welfare supplementary payment is payable commences on the day following the day that leave to appeal to the Commissioner is granted as set out in regulation 6(5) of the DLA Regulations.

(4) The period during which further welfare supplementary payments is payable ends—

(a) after the first payment following the date on which the decision of the Commissioner is received by the Department as set out in regulation 6(6) of the DLA Regulations, or

(b) on 31 March 2028,

whichever is first to occur.

Termination of welfare supplementary payment on death of carer or caree

32.—(1) This regulation applies in a case where—

(a) a member of couple providing care for the other member of the couple dies; or

(b) the caree dies.

(2) Welfare supplementary payment under this Chapter must cease to be paid in that case at the time when an award of universal credit including the carer element would cease to be paid in that case in accordance with regulation 39 of the Universal Credit Regulations.

(3) The period of payment must not exceed the time limit set out in regulation 27(1)(b) or (2)(b).

Separation of couple

33. Where the members of a couple cease to be a couple and were, immediately before ceasing to be such, entitled as a couple to welfare supplementary payment under this Chapter, the welfare supplementary payment is to be paid to the member of the couple whom the Department determines was the one providing care.

Care home residents

34.—(1) A welfare supplementary payment is not payable under this Chapter in respect of a period during which the person or the caree is a resident of a care home in circumstances in which the costs of qualifying services provided for the person resident in the care home are to any extent borne out of public funds by virtue of—

(a) Article 5, 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**);

(b) the Mental Health (Northern Ireland) Order 1986(**b**);

(c) section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002(**c**); or

(d) any other statutory provision relating to persons under a disability or to young persons or to education or training except—

(i) Articles 50 and 51 of the Education and Libraries (Northern Ireland) Order 1986(**d**),

(ii) Article 30 of the Education and Libraries (Northern Ireland) Order 1993(**a**), or

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(**a**) S.I. 1972/1265 (N.I. 14); Article 15 was amended by paragraph 2(2) of Schedule 1 to the Registered Homes (Northern Ireland) Order 1992 (S.I. 1992/3204 (N.I. 20)); Article 36 was amended by section 1(1) and (2) of the Health and Personal Social Services Act (Northern Ireland) 2002 (c. 9 (N.I.)) and Article 45 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (S.I. 2003/431 (N.I. 9))

(**b**) S.I. 1986/595 (N.I. 4)

(**c**) 2002 c. 6 (N.I.)

(**d**) S.I. 1986/594 (N.I. 3); Article 51 was substituted by Part 2 of Schedule 5 to the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1)) and certain functions transferred from the Department of Education by Parts 1 and 2 of Schedule 3 to the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) and for certain purposes functions transferred by Article 7(a) of the Departments (Transfer of Functions) Order (Northern Ireland) 2001 (S.R. 2001 No. 229)

(iii) Article 3 of the Education (Student Support) (Northern Ireland) Order 1998(**b**).

(2) Paragraph (1) does not apply in the case of—

(a) a child in need who is placed by the Regional Health and Social Care Board or the Health and Social Care Trust looking after him or her in a private dwelling with a family or with a relative or some other suitable person; or

(b) a person who is accommodated outside the United Kingdom if the costs of qualifying services are to any extent borne by an education authority pursuant to its powers under Article 11 of the Education (Northern Ireland) Order 1996(**c**).

(3) Where the person's residence in the care home begins after the coming into operation of these Regulations, paragraph (1) does not apply in respect of the first 28 days of the period referred to in that paragraph.

(4) Where the person's residence in the care home began less than 28 days before the coming into operation of these Regulations, paragraph (1) does not apply in respect of the part of the 28 days occurring after that coming into operation.

(5) "Child in need" means a person who has not attained the age of 18 and is a child in need for the purposes of Article 17(b) or (c) of the Children (Northern Ireland) Order 1995(**d**) (but as if the words "or development" were omitted from Article 17(b) of that Order).

Hospital in-patients

35.—(1) A welfare supplementary payment is not payable under this Chapter in respect of a period during which the person or the caree is undergoing medical or other treatment—

(a) as an in-patient in a hospital or similar institution under the Health and Personal Social Services (Northern Ireland) Order 1972 ("the 1972 Order") or the Health and Personal Social Services (Northern Ireland) Order 1991 ("the 1991 Order"); or

(b) as an in-patient in a hospital or similar institution maintained or administered by the Defence Council.

(2) Paragraph (1) does not apply where accommodation or services are provided under Article 31 of the 1972 Order or paragraph 14 of Schedule 3 to the 1991 Order (each of which relates to care for private patients); and, accordingly, welfare supplementary payment is payable despite accommodation or services being provided under either of those provisions.

(3) Where the person's treatment as an in-patient begins after the coming into operation of these Regulations, paragraph (1) does not apply in respect of the first 28 days of the period referred to in that paragraph.

(4) Where the person's treatment as an in-patient began less than 28 days before the coming into operation of these Regulations, paragraph (1) does not apply in respect of the part of the 28 days occurring after that coming into operation.

Recalculation where entitlement to universal credit ceases

36.—(1) Where, after the coming into operation of these Regulations, a person ceases to be entitled to universal credit and is or becomes entitled only to a contributory benefit, the amount of welfare supplementary payment to which the person is entitled under this Chapter is the lesser of—

(a) the amount of the welfare supplementary payment to which the person was entitled immediately before becoming entitled to the contributory benefit; and

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(**a**) S.I. 1993/2810 (N.I. 12)

(**b**) S.I. 1998/1760 (N.I. 14); Article 3 was amended by section 147(3) of the Learning and Skills Act 2000 (c. 21), paragraph 238 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1), section 147(4) of the Finance Act 2003 (c. 14) and Article 11(1) of the Higher Education (Northern Ireland) Order 2005 (S.I. 2005/1116 (N.I. 5))

(**c**) S.I. 1996/274 (N.I. 1)

(**d**) S.I. 1995/755 (N.I. 2)

(b) the difference between the amount of the award of carer's allowance and the amount of the contributory benefit.

(2) Where, before the coming into operation of these Regulations, a person, having become entitled to universal credit, ceased to be so entitled and was or became entitled only to a contributory benefit and the person was, immediately before the coming into operation of those Regulations, receiving an administrative payment, the amount of welfare supplementary payment to which the person is entitled under this Chapter is the lesser of—

(a) the amount of the administrative payment which the person was receiving immediately before becoming entitled to the contributory benefit; and

(b) the difference between the amount of the award of carer's allowance and the amount of the contributory benefit.

(3) Where, in either case, the amount of the contributory benefit is greater than the amount of the award of carer's allowance, no welfare supplementary payment is payable.

(4) The reference to the amount of the award of carer's allowance is a reference to the amount which, on the date on which the entitlement to universal credit ceases, is specified for carer's allowance in paragraph 4 of Part 3 of Schedule 4 to the Contributions and Benefits Act.

CHAPTER 4

CONTRIBUTORY EMPLOYMENT AND SUPPORT ALLOWANCE

Eligibility

37.—(1) A person is entitled to welfare supplementary payment under this Chapter for any period in respect of which the person has limited capability for work if the person's entitlement to a contributory employment and support allowance ceases under section 1A of the WRA 2007(**a**) in a case where the person was in receipt of the allowance—

(a) on 28th November 2016 (the date on which that section came into operation); or

(b) after that date in a case where, by virtue of regulation 145(1) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(**b**), the period of limited capability for work to which the award of the allowance related was treated as a continuation of a period of limited capability for work which occurred before that date.

(2) Paragraph (1) does not apply to a person who is entitled to a welfare supplementary payment under regulation 7(3A) or (3C) of the Welfare Supplementary Payment Regulations (Northern Ireland) 2016.

(3) A person has limited capability for work for the purposes of this regulation if the person—

(a) is entitled to a limited capability for work credit; or

(b) is assessed as having limited capability for work for the purposes of the Universal Credit Regulations.

(4) "Limited capability for work credit" is a credit under regulation 8B(1) of the Social Security (Credits) Regulations (Northern Ireland) 1975(**c**) where paragraph (2)(a)(iv), (iva) or (v) of that regulation applies and which follows the cessation of the entitlement to contributory employment and support allowance as a consequence of section 1A of the WRA 2007.

Amount

38.—(1) The amount of a welfare supplementary payment to which a person is entitled under this Chapter is equal to the amount of the contributory employment and support allowance to which the person was entitled immediately before ceasing to be entitled to that allowance.

(**a**) Section 1A was inserted by Article 57 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))
(**b**) S.R. 2008 No. 280
(**c**) S.R. 1975 No. 113; regulation 8B was inserted by regulation 2(6) of S.R. 1996 No. 430, and relevant amendments have been made by S.R. 2000 No. 404, S.R. 2003 No. 151, S.R. 2008 No. 286, S.R. 2010 No. 109 and S.R. 2016 No. 175

(2) An expression used in this regulation and in the WRA 2007 has the same meaning in this regulation as in that Act.

Payment

39.—(1) In the case of a person whose entitlement to a contributory employment and support allowance ceases under section 1A of the WRA 2007 after the coming into operation of these Regulations, the period in respect of which welfare supplementary payments are payable under this Chapter—

(a) begins on the day after the day on which the person's entitlement to the allowance ceases; and

(b) ends one year after the day on which the period begins.

(2) In the case of a person whose entitlement to the allowance ceased under that section immediately before the coming into operation of these Regulations, the period in respect of which welfare supplementary payments are payable under this Chapter—

(a) begins on the day on which these Regulations come into operation; and

(b) ends one year after the day on which the entitlement to the allowance ceased.

(3) A welfare supplementary payment under this Chapter must be paid every four weeks, or as soon as is reasonably practicable after that, in arrears, unless in any case or class of case the Department arranges otherwise.

(4) A welfare supplementary payment to which a person is entitled under this Chapter must be paid to that person or, if there is in that person's case a person appointed under regulation 52 of the Claims Regulations, it must be paid to the person so appointed.

Termination on further entitlement to employment and support allowance

40.—(1) If a person who is entitled to welfare supplementary payments under this Chapter is awarded an employment and support allowance under section 1B of the WRA 2007(**a**), the entitlement to welfare supplementary payment under this Chapter ceases.

(2) For the purpose of determining when the entitlement to welfare supplementary payment under this Chapter ceases, the effective date is the date on which the person's award of employment and support allowance takes effect.

Information sharing

41.—(1) The Department may share information on welfare supplementary payments and administrative payments with the Commissioners for His Majesty's Revenue and Customs.

(2) The information may be shared for the purposes of—

(a) a function for which the Commissioners are responsible by virtue of section 5 of the Commissioners for Revenue and Customs Act 2005(**b**); or

(b) a function which relates to a matter listed in Schedule 1 to that Act(**c**).

(3) Information supplied under this regulation must not be supplied by the recipient of the information to any other person without the authority of the Department.

(4) Where information supplied under this regulation has been used for the purposes for which it was supplied, it is lawful for it to be used for any purposes for which information held for those purposes could reasonably be used.

(**a**) Section 1B was inserted by Article 58 of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1))

(**b**) 2005 c. 11; as amended by paragraph 20 of Schedule 3 to, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c. 5) and modified by sections 1(7)(a) and 7(8)(a) of the Borders, Citizenship and Immigration Act 2009 (c. 11)

(**c**) Schedule 1 was amended by paragraph 61 of Schedule 1 to the Work and Families Act 2006 (c. 18), Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5) and paragraph 64 of Schedule 7 to the Children and Families Act 2014 (c.6)

(5) This regulation does not limit the circumstances in which information may be supplied apart from this regulation.

CHAPTER 5

GENERAL

Change of circumstances

42.—(1) This regulation applies where there is a change of circumstances which—

(a) affects an entitlement to universal credit; and

(b) in consequence, affects an entitlement of a person to a welfare supplementary payment under this Part.

(2) The person must, where it is reasonable to expect the person to do so, inform the Department of the change of circumstances.

(3) For the purposes of paragraph (2), it is reasonable to expect the person to do so if failure to inform would constitute an offence under sections 105A(1A) to (1G) and 106(1A) to (1F) of the Social Security Administration (Northern Ireland) Act 1992(**a**) (offences relating to obtaining benefits).

(4) For the purposes of calculating the person's entitlement to welfare supplementary payment, the date to be used is the effective date determined in accordance with Part 3 of Schedule 1 to the Decisions and Appeals Regulations.

Recovery of overpayments

43. Part 2 of the Welfare Supplementary Payment (Amendment) Regulations (Northern Ireland) 2017(**b**) (recovery of overpayments) applies to a welfare supplementary payment under this Part as if it were a welfare supplementary payment within the meaning of that Part.

Sanctions

44. For the avoidance of doubt, where a person is subject to a benefit sanction (for example, for failure to take part in a work-focused interview), the effect of the sanction is to be disregarded in calculating the amount of welfare supplementary payment payable under this Part.

Review

45.—(1) The Department must establish procedures for—

(a) reviewing a person's entitlement to a welfare supplementary payment under this Part;

(b) reviewing a determination under regulation 33 (separation of couple).

(2) The procedures established under paragraph (1) must—

(a) provide for a review to be carried out on the application of any person; and

(b) provide for the manner of making an application and the period within which it must be made.

(3) The procedures may, in particular, provide for—

(a) the consideration of the applicant's entitlement to a welfare supplementary payment by up to three persons nominated by the Department;

(b) the preparation of a report by the persons so nominated setting out their conclusions in relation to the applicant's entitlement to a welfare supplementary payment and their recommendation as to the manner in which the matter should be finally determined.

(**a**) 1992 c. 8
(**b**) S.R. 2017 No. 28

Treatment of payment

46.—(1) No account is to be taken of entitlement to a welfare supplementary payment under this Part in considering a person's entitlement to a benefit under a statutory provision in relation to social security (regardless of the name or nature of the benefit).

(2) In the Discretionary Support Regulations (Northern Ireland) 2016(**a**), in Schedule 3 (sums to disregard in calculating annual income threshold), at the end insert—

"**41.** Any payment arising as a result of the Welfare Supplementary Payment (Universal Credit) Regulations (Northern Ireland) 2025.".

(3) In Schedule 4 to those Regulations (capital to be disregarded)—

(a) after paragraph 13 insert—

"**13A.** Any payment arising as a result of the Welfare Supplementary Payments Regulations (Northern Ireland) 2016(**b**).".; and

(b) at the end insert—

"**18.** Any payment arising as a result of the Welfare Supplementary Payment (Universal Credit) Regulations (Northern Ireland) 2025.".

Residence and presence in Northern Ireland

47.—(1) A person is not entitled to a welfare supplementary payment under this Part unless the person is or, in a case within Chapter 3, the person and the caree are, resident in Northern Ireland.

(2) Where a person is temporarily absent from Northern Ireland, the person is nonetheless to be treated for the purposes of this regulation as present in Northern Ireland—

(a) for the first month of the absence; or

(b) if the following condition is met, for the first six months of the absence.

(3) The condition is that—

(a) the absence is solely in connection with arrangements made for the medical treatment of the person outside Northern Ireland in the period of absence for a disease or bodily or mental disablement which began before the period of absence began; and

(b) the arrangements relate to medical treatment by, or under the supervision of, a person appropriately qualified to carry it out.

(4) A person is "temporarily absent" for the purposes of paragraph (2) if, at the beginning of the period of absence, the period is unlikely to exceed six months.

Prisoners

48. A welfare supplementary payment under Chapters 2 to 4 is not payable to a person in respect of a period in which that person or, in a case within Chapter 3, that person or the caree is undergoing imprisonment or detention in legal custody; but this does not apply in respect of the first month of that period.

Sealed with the Official Seal of the Department for Communities on XXXX 2025

A senior officer of the Department for Communities

(**a**) S.R. 2016 No. 270 paragraph 40 of Schedule 3 was inserted by regulation 2(6)(a) of S.R. 2017 No. 35

(**b**) S.R. 2016 No. 178; relevant amending regulations are S.R. 2016 No. 389, S.R. 2017 No 28, S.R. No 25, S.R. 2022 No. 32 and S.R. 2025 No XX

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision for welfare supplementary payments. These payments are designed to mitigate the impact of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) and the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)) referred to in "A Fresh Start: the Stormont Agreement and Implementation Plan". These Regulations make provision to take account of the introduction of universal credit.

Part 1 is technical and provides for citation and commencement.

Part 2 amends some of the existing Regulations to make provision for the case of a person who becomes entitled to universal credit at a time when the person is already receiving a welfare supplementary payment which is linked to another benefit.

Chapter 1 amends the provisions on the application of the benefit cap, contributory employment and support allowance, carer's allowance, carer premium and disability-related premium to ensure that the person will continue to receive the welfare supplementary payment after becoming entitled to universal credit. Chapter 1 also makes provision for the recovery of overpayments of welfare supplementary payment made in consequence of the application of the social sector size criteria.

Chapter 2 enables the Department to recover overpayments of welfare supplementary payment where a person is entitled to universal credit. The Department will be able to recover overpayments by deductions from future welfare supplementary payments or from benefits, but it will not be able to do so from the person's earnings.

Part 3 makes provision for there to be new welfare supplementary payments where a person is entitled to universal credit but is subsequently affected by a change in that entitlement.

Chapter 2 applies where the person is affected by the application of the benefit cap.

Chapter 3 applies where the person is affected by the loss of the carer element of universal credit.

Chapter 4 applies where the person is affected by time-limiting of contributory employment and support allowance.

Chapter 5 makes general provision in relation to the new welfare supplementary payments to ensure a consistent approach with that taken on the existing payments. Regulation 43, for example, applies the existing procedures for the recovery of overpayments to the new payments.

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