Draft Regulations laid before the Assembly under Article 137(A)(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) (Social Sector Size Criteria) 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 Article 137A of the Welfare Reform (Northern Ireland) Order 2015(**b**).

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

Citation and commencement

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

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

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.

Interpretation

3.—(1) In these Regulations—

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

"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(**a**);

(**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 137A was inserted by Article 19(2) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)) and amended by the Welfare Supplementary Payments (Amendment) Act (Northern Ireland) 2022 (C. 22)

(**c**) S.R. 2016 No. 220

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

Eligibility

4. A person is entitled to a welfare supplementary payment under these Regulations if the person qualifies under Article 137A(2) of the Welfare Reform (Northern Ireland) Order 2015(**c**) (persons affected by social sector size criteria in calculation of universal credit).

Amount

5.—(1) The amount of welfare supplementary payment to which a person is entitled is, except in a case within paragraph (2), the amount of the deduction calculated under paragraph 35(2) of Schedule 4 to the Universal Credit Regulations (under-occupancy deduction).

(2) In the case of a person whose award of universal credit is less than the amount of the deduction under paragraph 35(2) of that Schedule, the amount of welfare supplementary payment to which the person is entitled is an amount equal to the amount of universal credit payable if the deduction had not been made.

(3) Where there is a variation in the amount by which the housing costs element is reduced in accordance with paragraph 35(2) of that Schedule, the amount of the welfare supplementary payment to which the person is entitled is varied by the same amount.

(4) The amount of welfare supplementary payment 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 amount of welfare supplementary payment calculated under paragraph (1) or (2)—

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

(5) 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.

Period of payment

6.—(1) Payments of welfare supplementary payment must be made 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.

(2) Where, after these Regulations come into operation, a determination is made in a person's case that a deduction is to be made under paragraph 35 of Schedule 4 to the Universal Credit Regulations, the person's entitlement to a welfare supplementary payment begins on the date on which the determination comes into effect.

(3) Where, before these Regulations come into operation, a determination was made in a person's case that a deduction was to be made under that paragraph of that Schedule, the person's entitlement to a welfare supplementary payment begins on the coming into operation of these Regulations.

Recipient

7. A welfare supplementary payment to which a person is entitled must be paid to the person to whom the housing costs element of the award of universal credit is payable.

(**a**) S.R. 2016 No. 221
(**b**) S.R. 2016 No. 216
(**c**) S.I. 2015 No. 2006 (N.I 1); Article 137A was inserted by Article 19 of S.I. 2016/999 (N.I. 1) and amended by the Welfare Supplementary Payments (Amendment) Act (Northern Ireland) 2022 (c.22)

Information Sharing

8.—(1) The Department may share information on welfare supplementary payments and administrative payments with—

(a) the Northern Ireland Housing Executive,

(b) a housing association registered under Part 2 of the Housing (Northern Ireland) Order 1992(**a**),

(c) a body which appears to the Department to represent housing associations in Northern Ireland.

(2) The information may only be shared for the purposes of managing the accounts of those bodies, including managing the accounts of tenants.

(3) In this Regulation "administrative payment "means a payment—

(a) made before these Regulations 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(**b**) 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 these Regulations if these Regulations had been in operation at the time the payment was made.

Change of circumstances

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

(a) affects a person's entitlement to universal credit; and

(b) in consequence, affects an entitlement to a welfare supplementary payment.

(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 (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

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

Sanctions

11. 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.

(**a**) S.I.1992/1725 (N.I.15)
(**b**) 1998 c.47
(**c**) S.R. 2017 No. 28

Review

12.—(1) The Department must establish procedures for reviewing a person's entitlement to a welfare supplementary payment.

(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.

Treatment of payment

13.—(1) No account is to be taken of entitlement to a welfare supplementary payment in considering a person's entitlement to universal credit or any other 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—

"**42.** Any payment arising as a result of the Welfare Supplementary Payment (Universal Credit) (Social Sector Size Criteria) Regulations (Northern Ireland) 2025."

(3) In Schedule 4 to those Regulations (capital to be disregarded),at the end insert—

"**19.** Any payment arising as a result of the Welfare Supplementary Payment (Universal Credit) (Social Sector Size Criteria) Regulations (Northern Ireland) 2025.".

Residence and presence

14.—(1) A person is not entitled to a welfare supplementary payment unless the person is 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 if the period of absence is disregarded for the purposes of regulation 11 of the Universal Credit Regulations.

Amendments to the Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017

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

(2) In regulation 10 (recovery of overpayment: deduction from certain welfare supplementary payments) in paragraph (3) at the end insert—

"(e) the Welfare Supplementary Payment (Universal Credit) (Social Sector Size Criteria) Regulations (Northern Ireland) 2025.".

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 3was inserted by regulation 2(6)(a) of S.R. 2017 No 35

(**b**) S.R.2017 No 35; relevant amending regulations are S.R.2022 No 32

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for welfare supplementary payments to mitigate the impact where a person is affected by the application of the social sector size criteria in the calculation of the housing costs element of universal credit. That is to say, where the number of bedrooms in a renter's accommodation exceeds the number of bedrooms to which a renter is entitled in accordance with the regulations.

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£5.78

http://www.legislation.gov.uk/id/nidsr/2025/9780338024374

ISBN 978-0-33-802437-4

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