STATUTORY RULES OF NORTHERN IRELAND

2025 No. 122

SOCIAL SECURITY

The Social Security (Income and Capital Disregards) (Amendment No. 2) Regulations (Northern Ireland) 2025

Made - - - -	*1st July 2025*
Coming into operation	*22nd July 2025*

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by sections 122(1)(a) and (d), 129A(2), 131(1), 132(3) and (4), 132A(3) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**), Articles 6(5), 14(1) and (4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**c**), and now vested in it(**d**), sections 2(3)(b), 15(3) and (6) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**e**), sections 4(2), 17(1) and (3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**f**) and Article 48(1) and (2) of, and paragraph 4(1) and (3) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015(**g**).

Regulations 5 and 6 are made with the consent of the Department of Finance(**h**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Income and Capital Disregards) (Amendment No. 2) Regulations (Northern Ireland) 2025 and come into operation on 22nd July 2025.

(2) The Interpretation Act (Northern Ireland) 1954(**i**) shall apply to these Regulations as it applies to an Act of the Assembly.

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

(**b**) 1992 c. 7; section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and section 171 was amended by paragraph 36 of Schedule 1, and Schedule 2 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)) and paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**c**) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**d**) See Article 8(b) of S.R. 1999 No. 481

(**e**) 2002 c. 14 (N.I.)

(**f**) 2007 c. 2 (N.I.)

(**g**) S.I. 2015/2006 (N.I. 1); see Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020 (S.I. 2020/927)

(**h**) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481 and section 1(4) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))

(**i**) 1954 c. 33 (N.I.)

Amendment of the Income Support (General) Regulations

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**a**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "MFET Limited"(**b**), insert—

""miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;";

(b) in the definition of "qualifying person"(**c**) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(3) In regulation 42(4ZB)(**d**) (notional income) at the end of sub-paragraph (e), for "." substitute—

";

(f) a miscarriage of justice compensation payment.".

(4) In regulation 48(10) (income treated as capital), after sub-paragraph (af)(**e**), insert—

"(ag) which is a miscarriage of justice compensation payment;".

(5) In regulation 51(3B)(**f**) (notional capital) at the end of sub-paragraph (f), for "." substitute—

";

(g) a miscarriage of justice compensation payment.".

(6) In paragraph 18(8)(b)(**g**) (non-dependant deductions) of Schedule 3 (housing costs), for "or LGBT Financial Recognition Scheme payment", substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment".

(7) In paragraph 39 of Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraph (1A)(**h**) at the end of head (e), for "." substitute—

";

(f) miscarriage of justice compensation payment.";

(**a**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1992 No. 201, S.R. 1995 No. 301, S.R. 2000 No. 241, S.R. 2004 No. 213, S.R. 2005 Nos. 536 and 550, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.R. 2021 No. 345, S.R. 2023 Nos. 97 and 184 and S.R. 2025 No. 24

(**b**) The definition of "MFET Limited" was inserted by regulation 2(2) of S.R. 2010 No. 69

(**c**) The definition of "qualifying person" was inserted by regulation 5(2)(b) of S.R. 1992 No. 201 and amended by regulation 2(a) of S.R. 2004 No. 213, regulation 2(2)(b) of S.R. 2005 No. 550, regulation 2(3)(a) of S.R. 2010 No. 69, regulation 7(2)(b) of S.R. 2011 No. 357, regulation 2(2)(b) of S.R. 2017 No. 205, regulation 2(2)(c) of S.R. 2017 No. 219, regulation 2(2)(b) of S.R. 2020 No. 108, regulation 2(2)(b) of S.R. 2021 No. 345, regulation 2(2)(e) of S.R. 2023 No. 97, regulation 3(2)(a) of S.R. 2023 No. 184 and regulation 2(2)(b) of S.R. 2025 No. 24

(**d**) Regulation 42(4ZB) was inserted by regulation 2(3)(c) of S.R. 2020 No. 108 and amended by regulation 2(3) of S.R. 2021 No. 345, regulation 2(3) of S.R. 2023 No. 97 and regulation 2(3) of S.R. 2025 No. 24

(**e**) Sub-paragraph (af) was inserted by regulation 2(4) of S.R. 2025 No. 24

(**f**) Regulation 51(3B) was inserted by regulation 2(5)(c) of S.R. 2020 No. 108 and amended by regulation 2(5) of S.R. 2021 No. 345, regulation 2(5) of S.R. 2023 No. 97 and regulation 2(5) of S.R. 2025 No. 24

(**g**) Paragraph 18(8)(b) was amended by regulation 2(5)(e) of S.R. 2008 No. 428, regulation 2(3)(e) and (7)(d) of S.R. 2010 No. 69, regulation 7(5)(c) of S.R. 2011 No. 357, regulation 2(3)(d) of S.R. 2017 No. 205, regulation 2(3)(d) of S.R. 2017 No. 219, regulation 2(10) of S.R. 2020 No. 108, regulation 2(6) of S.R. 2021 No. 345, regulation 2(6) of S.R. 2023 No. 97 and regulation 2(6) of S.R. 2025 No. 24

(**h**) Sub-paragraph (1A) was inserted by regulation 2(11)(b)(ii) of S.R. 2020 No. 108, substituted by regulation 2(7)(b) of S.R. 2021 No. 345 and amended by regulation 2(7)(a) of S.R. 2023 No. 97 and regulation 2(7) of S.R. 2025 No. 24

(b) in each of sub-paragraphs (2) to (6)(**a**), for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(8) In paragraph 22 of Schedule 10 (capital to be disregarded)—

(a) in sub-paragraph (1A)(**b**), for "or LGBT Financial Recognition Scheme payment", substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment";

(b) in each of sub-paragraphs (2) to (5) and (6)(**c**), for "or an LGBT Financial Recognition Scheme payment", substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

Amendment of the Jobseeker's Allowance Regulations

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**d**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1(2) (citation, commencement, interpretation and application)—

(a) after the definition of "MFET Limited"(**e**), insert—

""miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;";

(b) in the definition of "qualifying person"(**f**) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(3) In regulation 105(10A) (notional income), after sub-paragraph (af)(**g**), insert—

"(ag) which is a miscarriage of justice compensation payment;".

(4) In regulation 110(10) (income treated as capital), after sub-paragraph (af)(**h**), insert—

"(ag) which is a miscarriage of justice compensation payment;".

(**a**) Sub-paragraphs (2) to (6) were amended by regulation 2(11)(b)(iii) and (iv) of S.R. 2020 No. 108, regulation 2(7)(c) of S.R. 2021 No. 345 and regulation 2(7)(b) of S.R. 2023 No. 97. Sub-paragraphs (2) to (5) were also amended by regulation 5(7)(b)(ii) to (v) of S.R. 1992 No. 201, Article 2(3) of and paragraph 12(8)(b) of Schedule 3 to S.R. 2005 No. 536 and regulation 2(7)(e) of S.R. 2010 No. 69. Sub-paragraphs (4) and (5) were also amended by regulation 3(5) of, and the Schedule to S.R. 2000 No. 241 and regulation 2(7)(b) of S.R. 2025 No. 24

(**b**) Sub-paragraph (1A) was inserted by regulation 2(12)(a)(ii) of S.R. 2020 No. 108, substituted by regulation 2(8)(a)(i) of S.R. 2021 No. 345 and amended by regulation 2(8)(a) of S.R. 2023 No. 97 and regulation 2(8)(a) of S.R. 2025 No. 24

(**c**) Sub-paragraphs (2) to (5) and (6) were amended by regulation 2(8)(a)(ii) of S.R. 2021 No. 345 and regulation 2(8)(b) of S.R. 2023 No. 97. Sub-paragraphs (2) to (5) were also amended by regulation 5(8)(a)(ii) to (v) of S.R. 1992 No. 201, Article 2(3) of, and paragraph 12(9)(b) of Schedule 3 to S.R. 2005 No. 536, regulation 2(7)(f) of S.R. 2010 No. 69 and regulation 2(12)(a)(iii) of S.R. 2020 No. 108. Sub-paragraphs (4) and (5) were also amended by regulation 3(5) of, and the Schedule to S.R. 2000 No. 241. Sub-paragraph (6) was also amended by regulation 2(12)(a)(iv) of S.R. 2020 No. 108 and regulation 2(8)(b) of S.R. 2025 No. 24

(**d**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1998 No. 326, S.R. 2004 No. 213, S.R. 2005 Nos. 536 and 550, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.R. 2021 No. 345, S.R. 2023 Nos. 97 and 184, and S.R. 2025 No. 24

(**e**) The definition of "MFET Limited" was inserted by regulation 4(2) of S.R. 2010 No. 69

(**f**) The definition of "qualifying person" was amended by regulation 2(a) of S.R. 2004 No. 213, regulation 4(2)(b) of S.R. 2005 No. 550, regulation 4(3)(a) of S.R. 2010 No. 69, regulation 10(2)(b) of S.R. 2011 No. 357, regulation 3(2)(b) of S.R. 2017 No. 205, regulation 3(2)(c) of S.R. 2017 No. 219, regulation 3(2)(b) of S.R. 2020 No. 108, regulation 3(2)(b) of S.R. 2021 No. 345, regulation 3(2)(c) of S.R. 2023 No. 97, regulation 4(2)(a) of S.R. 2023 No. 184 and regulation 3(2)(b) of S.R. 2025 No. 24

(**g**) Sub-paragraph (af) was substituted by regulation 3(3) of S.R. 2025 No. 24

(**h**) Sub-paragraph (af) was inserted by regulation 3(4) of S.R. 2025 No. 24

(5) In regulation 113(3B)(**a**) (notional capital), at the end of sub-paragraph (f), for "." substitute—

";

(g) a miscarriage of justice compensation payment.".

(6) In paragraph 17(8)(b)(**b**) (non-dependant deductions) of Schedule 2 (housing costs), for "or LGBT Financial Recognition Scheme payment", substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment".

(7) In paragraph 41 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraph (1A)(**c**), at the end of head (e), for "." substitute—

";

(f) a miscarriage of justice compensation payment.";

(b) in each of sub-paragraphs (2) to (6)(**d**) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(8) In paragraph 27 of Schedule 7 (capital to be disregarded)—

(a) in sub-paragraph (1A)(**e**), for "or LGBT Financial Recognition Scheme payment" substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment";

(b) in each of sub-paragraphs (2) to (5) and (6)(**f**), for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

Amendment of the State Pension Credit Regulations

4.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**g**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of "MFET Limited"(**h**), insert—

""miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

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(**a**) Regulation 113(3B) was inserted by regulation 3(5)(c) of S.R. 2020 No. 108, and amended by regulation 3(5) of S.R. 2021 No. 345, regulation 3(5) of S.R. 2023 No. 97 and regulation 3(5) of S.R. 2025 No. 24

(**b**) Paragraph 17(8)(b) was amended by regulation 4(5)(e) of S.R. 2008 No. 428, regulation 4(3)(e) and 4(8)(d) of S.R. 2010 No. 69, regulation 10(7)(c) of S.R. 2011 No. 357, regulation 3(3)(d) of S.R. 2017 No. 205, regulation 3(3)(d) of S.R. 2017 No. 219, regulation 3(10) of S.R. 2020 No. 108, regulation 3(6) of S.R. 2021 No. 345, regulation 3(6) of S.R. 2023 No. 97 and regulation 3(6) of S.R. 2025 No. 24

(**c**) Sub-paragraph (1A) was inserted by regulation 3(11)(b)(ii) of S.R. 2020 No. 108 and amended by regulation 3(7)(b) of S.R. 2021 No. 345, regulation 3(7)(a) of S.R. 2023 No. 97 and regulation 3(7)(a) of S.R. 2025 No. 24

(**d**) Sub-paragraphs (2) to (6) were amended by regulation 3(7)(c) of S.R. 2021 No. 345, regulation 3(7)(b) of S.R. 2023 No. 97 and regulation 3(7)(b) of S.R. 2025 No. 24. Sub-paragraphs (2) to (5) were also amended by Article 2(3) of, and paragraph 23(12)(b) of Schedule 3 to S.R. 2005 No. 536, regulation 4(8)(e) of S.R. 2010 No. 69 and regulation 3(11)(b)(iii) of S.R. 2020 No. 108. Sub-paragraph (6) was also amended by regulation 3(11)(b)(iv) of S.R. 2020 No. 108

(**e**) Sub-paragraph (1A) was inserted by regulation 3(12)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 3(8)(a)(i) of S.R. 2021 No. 345, regulation 3(8)(a) of S.R. 2023 No. 97 and regulation 3(8)(a) of S.R. 2025 No. 24

(**f**) Sub-paragraphs (2) to (5) and (6) were amended by regulation 3(8)(a)(ii) of S.R. 2021 No. 345, regulation 3(8)(b) of S.R. 2023 No. 97 and regulation 3(8)(b) of S.R. 2025 No. 24. Sub-paragraphs (2) to and (5) were also amended by Article 2(3) of, and paragraph 23(13)(c) of Schedule 3 to S.R. 2005 No. 536, regulation 4(8)(f) of S.R. 2010 No. 69 and regulation 3(12)(a)(iii) of S.R. 2020 No. 108. Sub-paragraph (6) was also amended by regulation 3(12)(a)(iv) of S.R. 2020 No. 108

(**g**) S.R. 2003 No. 28; relevant amending Rules are S.R. 2004 No. 213, S.R. 2005 Nos. 536 and 550, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.R. 2021 No. 345, S.R. 2023 Nos. 97 and 184, and S.R. 2025 No. 24

(**h**) The definition of "MFET Limited" was inserted by regulation 6(2)(b) of S.R. 2010 No. 69

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;";

(b) in the definition of "qualifying person"(**a**) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(3) In paragraph 14(8) (persons residing with the claimant) of Schedule 2 (housing costs), after head (be)(**b**), insert—

"(bf) any miscarriage of justice compensation payment;".

(4) In paragraph 15 (capital disregarded for the purpose of calculating income) of Schedule 5 (income from capital)—

(a) in sub-paragraph (1A)(**c**), for "or LGBT Financial Recognition Scheme payment", substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment";

(b) in each of sub-paragraphs (2) to (5) and (6)(**d**), for ""or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

Amendment of the Housing Benefit Regulations

5.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**e**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "MFET Limited"(**f**), insert—

""miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;";

(b) in the definition of "qualifying person" for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(**a**) The definition of "qualifying person" was amended by regulation 2 of S.R. 2004 No. 213, regulation 6(2)(b) of S.R. 2005 No. 550, regulation 6(3)(a) of S.R. 2010 No. 69, regulation 14(2)(b) of S.R. 2011 No. 357, regulation 4(2)(b) of S.R. 2017 No. 205, regulation 5(2)(c) of S.R. 2017 No. 219, regulation 4(2)(b) of S.R. 2020 No. 108, regulation 4(2)(b) of S.R. 2021 No. 345, regulation 4(2)(c) of S.R. 2023 No. 97, regulation 5(2)(a) of S.R. 2023 No. 184 and regulation 5(2)(b) of S.R. 2025 No. 24

(**b**) Head (be) was inserted by regulation 5(3) of S.R. 2025 No. 24

(**c**) Sub-paragraph (1A) was inserted by regulation 4(4)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 4(4)(a) of S.R. 2021 No. 345, regulation 4(4)(a) of S.R. 2023 No. 97 and regulation 5(4)(a) of S.R. 2025 No. 24

(**d**) Sub-paragraphs (2) to (5) and (6) were amended by regulation 4(4)(b) of S.R. 2021 No. 345 and regulation 4(4)(b) of S.R. 2023 No. 97. Sub-paragraphs (2) to (5) were also amended by Article 2(3) of, and paragraph 30(5)(e) of Schedule 3 to S.R. 2005 No. 536, regulation 6(7) of S.R. 2010 No. 69 and regulation 4(4)(a)(iii) of S.R. 2020 No. 108. Sub-paragraph (6) was also amended by regulation 4(4)(a)(iv) of S.R. 2020 No. 108 and regulation 5(4)(b) of S.R. 2025 No. 24

(**e**) S.R. 2006 No. 405; relevant amending Instruments are S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357, S.I. 2013/3021, S.R. 2016 No. 228, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.R. 2021 No. 345, S.I. 2021/786, S.I. 2022/177, S.R. 2023 Nos. 97 and 184, S.R. 2025 No. 24 and S.I. 2024/919

(**f**) The definition of "MFET Limited" was inserted by regulation 8(2)(a) of S.R. 2010 No. 69

(3) In regulation 39(7A)(**a**) (notional income) at the end of sub-paragraph (e), for "." substitute—

";

(f) a miscarriage of justice compensation payment.".

(4) In regulation 43(6)(**b**) (income treated as capital), after "an LGBT Financial Recognition Scheme payment", insert ", a miscarriage of justice compensation payment".

(5) In regulation 46(4A)(**c**) (notional capital), after sub-paragraph (f), insert—

";

(g) a miscarriage of justice compensation payment.".

(6) In regulation 72(9) (non-dependant deductions), after sub-paragraph (be)(**d**), insert—

"(bf) any miscarriage of justice compensation payment.;".

(7) In paragraph 37 of Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraph (1A)(**e**), at the end of head (e), for "." substitute—

";

(f) miscarriage of justice compensation payment.";

(b) in each of sub-paragraphs (2) to (6)(**f**) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(8) In paragraph 25 of Schedule 7 (capital to be disregarded)—

(a) in sub-paragraph (1A)(**g**) for "or LGBT Financial Recognition Scheme payment" substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment";

(b) in each of sub-paragraphs (2) to (5) and (6)(**h**) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**i**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation)—

(**a**) Regulation 39(7A) was inserted by regulation 5(3)(c) of S.R. 2020 No. 108 and amended by regulation 5(3) of S.R. 2021 No. 345, regulation 5(3) of S.R. 2023 No. 97 and regulation 6(3) of S.R. 2025 No. 24

(**b**) Regulation 43(6) was amended by regulation 6(3)(b) of S.R. 2008 No. 428, regulation 8(3)(c) and (5)(b) of S.R. 2010 No. 69, regulation 19(5)(b) of S.R. 2011 No. 357, regulation 6(3)(b) of S.R. 2017 No. 205, regulation 6(3)(b) of S.R. 2017 No. 219, regulation 5(4) of S.R. 2020 No. 108, regulation 5(4) of S.R. 2021 No. 345, regulation 5(4) of S.R. 2023 No. 97, regulation 6(3)(a) of S.R. 2023 No. 184 and regulation 6(4) of S.R. 2025 No. 24

(**c**) Regulation 46(4A) was inserted by regulation 5(5)(c) of S.R. 2020 No. 108 and amended by regulation 5(5) of S.R. 2021 No. 345, regulation 5(5) of S.R. 2023 No. 97 and regulation 6(5) of S.R. 2025 No. 24

(**d**) Sub-paragraph (be) was inserted by regulation 6(6) of S.R. 2025 No. 24

(**e**) Sub-paragraph (1A) was inserted by regulation 5(11)(b) of S.R. 2020 No. 108, substituted by regulation 5(7)(a) of S.R. 2021 No. 345, amended by regulation 5(7)(a) of S.R. 2023 No. 97 and regulation 6(7)(a) of S.R. 2025 No. 24

(**f**) Sub-paragraphs (2) to (6) were amended by regulation 8(5)(f) of S.R. 2020 No. 69, regulation 5(11)(c) and (d) of S.R. 2020 No. 108, regulation 5(7)(b) of S.R. 2021 No. 345, regulation 5(7)(b) of S.R. 2023 No. 97 and regulation 6(7)(b) of S.R. 2025 No. 24

(**g**) Sub-paragraph (1A) was inserted by regulation 5(12)(b)(ii) of S.R. 2020 No. 108 and amended by regulation 5(8)(a)(i) of S.R. 2021 No. 345, regulation 5(8)(a) of S.R. 2023 No. 97 and regulation 6(8)(a) of S.R. 2025 No. 24

(**h**) Sub-paragraphs (2) to (5) and (6) were amended by regulation 8(5)(g) of S.R. 2010 No. 69, regulation 5(12)(b)(iii) and (iv) of S.R. 2020 No. 108, regulation 5(8)(a)(ii) of S.R. 2021 No. 345, regulation 5(8)(b) of S.R. 2023 No. 97 and regulation 6(8)(b) of S.R. 2025 No. 24

(**i**) S.R. 2006 No. 406; relevant amending Rules are S.R. 2010 Nos. 69 and 108, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 Nos. 97 and 184, and S.R. 2025 No. 24

(a) after the definition of "MFET Limited"(**a**), insert—

""miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;";

(b) in the definition of "qualifying person" for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(3) In regulation 53(10) (non-dependant deductions) after sub-paragraph (be)(**b**), insert—

"(bf) any miscarriage of justice compensation payment;".

(4) In paragraph 16 of Schedule 7 (capital to be disregarded)—

(a) in sub-paragraph (1A)(**c**) for "or LGBT Financial Recognition Scheme payment" substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment";

(b) in each of sub-paragraphs (2) to (5) and (6)(**d**) "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

Amendment of the Employment and Support Allowance Regulations

7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**e**) are amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "MFET Limited"(**f**), insert—

""miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;";

(b) in the definition of "qualifying person" for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(3) In regulation 107(5A)(**g**) (notional income – income due to be paid or income paid to or in respect of a third party), at the end of sub-paragraph (e), for ".", substitute—

(**a**) The definition of "MFET Limited" was inserted by regulation 9(2) of S.R. 2010 No. 69

(**b**) Sub-paragraph (be) was inserted by regulation 7(3) of S.R. 2025 No. 24

(**c**) Sub-paragraph (1A) was inserted by regulation 6(4)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 6(4)(a) of S.R. 2021 No. 345, regulation 6(4)(a) of S.R. 2023 No. 97 and regulation 7(4)(a) of S.R. 2025 No. 24

(**d**) Sub-paragraphs (2) to (5) and (6) were amended by regulation 9(5)(c) of S.R. 2010 No. 69, regulation 6(4)(a)(iii) and (iv) of S.R. 2020 No. 108, regulation 6(4)(b) of S.R. 2021 No. 345, regulation 6(4)(b) of S.R. 2023 No. 97 and regulation 7(4)(b) of S.R. 2025 No. 24

(**e**) S.R. 2008 No. 280; relevant amending regulations are S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 205 and 219, S.R. 2020 No. 108, S.R. 2021 No. 345 and S.R. 2023 Nos. 97 and 184, and S.R. 2025 No. 24

(**f**) The definition of "MFET Limited" was inserted by regulation 10(2) of S.R. 2010 No. 69

(**g**) Regulation 107(5A) was inserted by regulation 7(3)(d) of S.R. 2020 No. 108 and amended by regulation 7(3) of S.R. 2021 No. 345, regulation 7(3) of S.R. 2023 No. 97 and regulation 8(3) of S.R. 2025 No. 24

";

(f) a miscarriage of justice compensation payment.".

(4) In regulation 112(8)(b)(**a**) (income treated as capital), at the end of head (v), for "." substitute—

";

(vi) miscarriage of justice compensation payment.".

(5) In regulation 115(5A)(**b**) (notional capital), at the end of sub-paragraph (f), for "." substitute—

";

(g) a miscarriage of justice compensation payment.".

(6) In Schedule 6 (housing costs), in paragraph 19(8)(b)(**c**) (non-dependant deductions), for "or LGBT Financial Recognition Scheme payment" substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment".

(7) In paragraph 40 of Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

(a) in sub-paragraph (1A)(**d**), at the end of head (e), for "." substitute—

";

(f) miscarriage of justice compensation payment.".

(b) in each of sub-paragraphs (2) to (5)(**e**) and (6) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

(8) In paragraph 27 of Schedule 9 (capital to be disregarded)—

(a) in sub-paragraph (1A)(**f**) for "or LGBT Financial Recognition Scheme payment" substitute ", LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment";

(b) in each of sub-paragraphs (2) to (5)(**g**) and (6) for "or an LGBT Financial Recognition Scheme payment" substitute ", an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment".

Amendment of the Universal Credit Regulations

8.—(1) The Universal Credit Regulations (Northern Ireland) 2016(**h**) are amended as follows.

(2) In regulation 76 (special schemes for compensation etc.)—

(a) after paragraph (1C) insert—

"(1D) This regulation also applies where a person—

(**a**) Regulation 112(8)(b) was substituted by regulation 7(4) of S.R. 2021 No. 345 and amended by regulation 7(4) of S.R. 2023 No. 97 and regulation 8(4) S.R. 2025 No. 24

(**b**) Regulation 115(5A) was inserted by regulation 7(5)(d) of S.R. 2020 No. 108 and amended by regulation 7(5) of S.R. 2021 No. 34, regulation 7(5) of S.R. 2023 No. 97- and regulation 8(5) of S.R. 2025 No. 24

(**c**) Paragraph 19(8)(b) was amended by regulation 10(3)(a) of S.R. 2010 No. 69, regulation 21(8)(c) of S.R. 2011 No. 357, regulation 8(3)(d) of S.R. 2017 No. 205, regulation 8(3)(d) of S.R. 2017 No. 219, regulation 7(10)(a) of S.R. 2020 No. 108, regulation 7(6) of S.R. 2021 No. 345, regulation 7(6) of S.R. 2023 No. 97 and regulation 8(6) of S.R. 2025 No. 24

(**d**) Sub-paragraph (1A) was substituted by regulation 7(7)(b)(i) of S.R. 2021 No. 345 and amended by regulation 7(7)(a) of S.R. 2023 No. 97 and regulation 8(7)(a) of S.R. 2025 No. 24

(**e**) Sub-paragraphs (2) to (5) were amended by regulation 10(5)(e) of S.R. 2010 No. 69, regulation 7(11)(b)(iii) of S.R. 2020 No. 108, regulation 7(7)(b)(ii) of S.R. 2021 No. 345, regulation 7(7)(b) of S.R. 2023 No. 97- and regulation 8(7)(b) of S.R. 2025 No. 24

(**f**) Sub-paragraph (1A) was inserted by regulation 7(12)(a)(ii) of S.R. 2020 No. 108 and amended by regulation 7(8)(a)(i) of S.R. 2021 No. 345, regulation 7(8)(a) of S.R. 2023 No. 97 and regulation 8(8)(a) of S.R. 2025 No. 24

(**g**) Sub-paragraphs (2) to (5) were amended by regulation 10(5)(f) of S.R. 2010 No. 69, regulation 7(12)(a)(iii) of S.R. 2020 No. 108, regulation 7(8)(a)(ii) of S.R. 2021 No. 345, regulation 7(8)(b) of S.R. 2023 No. 97 and regulation 8(8)(b) of S.R. 2025 No. 24

(**h**) S.R. 2016 No. 216; amended by S.R. 2023 No. 97; there are other amending instruments but none is relevant

(a) receives a miscarriage of justice compensation payment or is a person for whose benefit such a payment is made;

(b) is the partner of a person to whom sub-paragraph (a) refers, and receives a payment by or on behalf of that person which is derived from the miscarriage of justice compensation payment;

(c) was the partner of a person to whom sub-paragraph (a) refers immediately before their death and receives a payment from their estate which is derived from a miscarriage of justice compensation payment;

(d) in a case where a miscarriage of justice compensation payment is made to the personal representative of a deceased person ("P"), was P's partner immediately before P's death and receives a payment from P's estate which is derived from the miscarriage of justice compensation payment.";

(b) in paragraph (4), after the definition of "the Horizon system", insert—

""miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;".

Sealed with the Official Seal of the Department for Communities on 1st July 2025

(L.S.)

David Tarr
A senior officer of the Department for Communities

The Department of Finance hereby consents to regulations 5 and 6 of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance on 1st July 2025

(L.S.)

Jeff McGuinness
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulations 2 to 8 amend respectively the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459), the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 198), the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28), the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406), the Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008 No. 280) and the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216).

In particular, they amend as appropriate provisions regarding which payments are to be disregarded as income and capital for the purposes of calculating entitlement to benefits in order to create new disregards. The disregards cover payments made under miscarriage of justice schemes that have effect under section 133 of the Criminal Justice Act 1988 (c. 33). At the time of making these Regulations there are three such schemes: the Miscarriages of Justice Application Service in England and Wales and equivalent schemes in Scotland and Northern Ireland. The new disregards also cover extra-statutory payments made for similar purposes.

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.

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