This Statutory Rule has been printed to correct errors in S.R. 2021 No. 345 and S.R. 2023 No. 97 and is being issued free of charge to all known recipients of those Statutory Rules.

STATUTORY RULES OF NORTHERN IRELAND

2025 No. 24

SOCIAL SECURITY

The Social Security (Income and Capital Disregards) (Amendment) Regulations (Northern Ireland) 2025

Made - - - -	*10th February 2025*
Coming into operation	*28th February 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**), section 165(4) of the Social Security Administration (Northern Ireland) Act 1992(**c**), Articles 6(5), 14(1) and (4) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(**d**), Article 28 of, and paragraph 8 of Schedule 1 to, the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997(**e**), and now vested in it(**f**), sections 2(3)(b), 15(3) and (6) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**g**), sections 4(2), 17(1) and (3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(**h**) and Article 48(1) and (2) of, and paragraph 4(1) and (3) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015(**i**).

Regulations 6 and 7 are made with the consent of the Department of Finance(**j**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Income and Capital Disregards) (Amendment) Regulations (Northern Ireland) 2025 and come into operation on 28th February 2025.

(2) The Interpretation Act (Northern Ireland) 1954(**a**) 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**) 1992 c. 8

(**d**) 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)

(**e**) S.I. 1997/1183 (N.I. 12)

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

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

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

(**i**) 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)

(**j**) 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.))

Amendment of the Income Support (General) Regulations

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

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

(a) after the definition of "last day of the course"(**c**) insert—

""LGBT Financial Recognition Scheme payment" means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;";

(b) in the definition of "qualifying person"(**d**) for "or a vaccine damage payment" substitute ", a vaccine damage payment or an LGBT Financial Recognition Scheme payment".

(3) In regulation 42(4ZB)(**e**) (notional income) for sub-paragraphs (c) and (d) substitute—

"(c) a Windrush payment;

(d) a Post Office compensation payment;

(e) an LGBT Financial Recognition Scheme payment.".

(4) In regulation 48(10) (income treated as capital) after sub-paragraph (ae)(**f**) insert—

"(af)which is an LGBT Financial Recognition Scheme payment;".

(5) In regulation 51(3B)(**g**) (notional capital) for sub-paragraphs (c) to (e) substitute—

"(c) a Windrush payment;

(d) a Post Office compensation payment;

(e) a vaccine damage payment;

(f) an LGBT Financial Recognition Scheme payment.".

(6) In paragraph 18(8)(b)(**h**) (non-dependant deductions) of Schedule 3 (housing costs) for "or Post Office compensation payment" substitute ", Post Office compensation payment or LGBT Financial Recognition Scheme 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)(**i**) for heads (c) and (d) substitute—

"(c) Windrush payment;

(d) Post Office compensation payment;

(e) LGBT Financial Recognition Scheme payment.";

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

(**b**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1991 No. 338, S.R. 1992 No. 201, 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

(**c**) The definition of "last day of course" was inserted by regulation 2 of S.R. 1991 No. 338 and substituted by regulation 3(2)(c) of S.R. 2000 No. 241

(**d**) 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 and regulation 3(2)(a) of S.R. 2023 No. 184

(**e**) 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 and regulation 2(3) of S.R. 2023 No. 97

(**f**) Sub-paragraph (ae) was inserted by regulation 2(4)(b) of S.R. 2023 No. 97

(**g**) 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 and regulation 2(5) of S.R. 2023 No. 97

(**h**) 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 and regulation 2(6) of S.R. 2023 No. 97

(**i**) 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

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

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

(a) in sub-paragraph (1A)(**b**) for "or vaccine damage payment" substitute ", vaccine damage payment or LGBT Financial Recognition Scheme payment";

(b) in each of sub-paragraphs (2) to (5) and (6)(**c**) for "or a vaccine damage payment" substitute ", a vaccine damage payment or an LGBT Financial Recognition Scheme 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 "last day of the course" insert—

""LGBT Financial Recognition Scheme payment" means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;";

(b) in the definition of "qualifying person"(**e**) for "or a vaccine damage payment" substitute ", a vaccine damage payment or an LGBT Financial Recognition Scheme payment".

(3) In regulation 105(10A) (notional income) for sub-paragraphs (ac) to (ae)(**f**) substitute—

"(ac) which is a child abuse payment;

(ad) which is a Windrush payment;

(ae) which is a Post Office compensation payment;

(af) which is an LGBT Financial Recognition Scheme payment;".

(4) In regulation 110(10) (income treated as capital) after sub-paragraph (ae)(**g**) insert—

"(af)which is an LGBT Financial Recognition Scheme payment;".

(5) In regulation 113(3B)(**h**) (notional capital) for sub-paragraphs (c) to (e) substitute—

"(c) a Windrush payment;

(d) a Post Office compensation payment;

(e) a vaccine damage 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

(**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

(**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

(**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

(**e**) 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 and regulation 4(2)(a) of S.R. 2023 No. 184

(**f**) Sub-paragraphs (ac) and (ad) were inserted by regulation 3(3) of S.R. 2021 No. 345 and sub-paragraph (ae) was inserted by regulation 3(3) of S.R. 2023 No. 97

(**g**) Sub-paragraph (ae) was inserted by regulation 3(4)(b) of S.R. 2023 No. 97

(**h**) 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 and regulation 3(5) of S.R. 2023 No. 97

(f) an LGBT Financial Recognition Scheme payment.".

(6) In paragraph 17(8)(b)(**a**) (non-dependant deductions) of Schedule 2 (housing costs) for "or Post Office Compensation payment" substitute ", Post Office compensation payment or LGBT Financial Recognition Scheme 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)(**b**) for heads (c) and (d) substitute—

"(c) Windrush payment;

(d) Post Office compensation payment;

(e) LGBT Financial Recognition Scheme payment.";

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

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

(a) in sub-paragraph (1A)(**d**) for "or vaccine damage payment" substitute ", vaccine damage payment or LGBT Financial Recognition Scheme payment";

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

Amendment of the Social Security (Recovery of Benefits) Regulations

4. In regulation 2(2) of the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997(**f**) (exempted trusts and payments)—

(a) at the end of sub-paragraphs (m), (q), (r), (s) and (u) for "." substitute ";";

(b) after sub-paragraph (u) add—

"(v) any payment that is made under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence.".

Amendment of the State Pension Credit Regulations

5.—(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**) 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 and regulation 3(6) of S.R. 2023 No. 97

(**b**) 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 and regulation 3(7)(a) of S.R. 2023 No. 97

(**c**) Sub-paragraphs (2) to (6) were amended by regulation 3(7)(c) of S.R. 2021 No. 345 and regulation 3(7)(b) of S.R. 2023 No. 97. 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

(**d**) 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 and regulation 3(8)(a) of S.R. 2023 No. 97

(**e**) Sub-paragraphs (2) to (5) and (6) were amended by regulation 3(8)(a)(ii) of S.R. 2021 No. 345 and regulation 3(8)(b) of S.R. 2023 No. 97. 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

(**f**) S.R. 1997 No. 429; relevant amending Rules are S.R. 2004 No. 213, S.R. 2005 No. 550, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 No. 219, S.I 2020/103, S.R. 2021 No. 345 and S.R. 2023 No. 97. Sub-paragraph (u) was added by regulation 9(2) of S.R. 2023 No. 97

(**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 and S.R. 2023 Nos. 97 and 184

(a) after the definition of "the Jobseeker's Allowance Regulations" insert—

""LGBT Financial Recognition Scheme payment" means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;";

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

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

"(be) any LGBT Financial Recognition Scheme 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 vaccine damage payment" substitute ", vaccine damage payment or LGBT Financial Recognition Scheme payment";

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

Amendment of the Housing Benefit Regulations

6.—(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 "a joint-claim jobseeker's allowance" insert—

""LGBT Financial Recognition Scheme payment" means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;";

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

(3) In regulation 39(7A)(**g**) (notional income) for sub-paragraphs (c) and (d) substitute—

"(c) a Windrush payment;

(d) a Post Office compensation payment;

(e) an LGBT Financial Recognition Scheme payment.".

(4) In regulation 43(6)(**a**) (income treated as capital) after "a Post Office compensation payment" insert ", an LGBT Financial Recognition Scheme 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 and regulation 5(2)(a) of S.R. 2023 No. 184

(**b**) Head (bd) was inserted by regulation 4(3) of S.R. 2023 No. 97

(**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 and regulation 4(4)(a) of S.R. 2023 No. 97

(**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

(**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 and S.I. 2024/919

(**f**) The definition of "qualifying person" was amended by regulation 8(3)(a) of S.R. 2010 No. 69, regulation 19(2)(b) of S.R. 2011 No. 357, regulation 6(2)(b) of S.R. 2017 No. 205, regulation 6(2)(c) of S.R. 2017 No. 219, regulation 5(2)(b) of S.R. 2020 No. 108, regulation 5(2)(b) of S.R. 2021 No. 345, regulation 5(2)(c) of S.R. 2023 No. 97 and regulation 6(2)(a) of S.R. 2023 No. 184

(**g**) 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 and regulation 5(3) of S.R. 2023 No. 97

(5) In regulation 46(4A)(**b**) (notional capital) for sub-paragraphs (c) to (e) substitute—

"(c) a Windrush payment;

(d) a Post Office compensation payment;

(e) a vaccine damage payment;

(f) an LGBT Financial Recognition Scheme payment.".

(6) In regulation 72(9) (non-dependant deductions) after sub-paragraph (bd)(**c**) insert—

"(be) any LGBT Financial Recognition Scheme 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)(**d**) for heads (c) and (d) substitute—

"(c) Windrush payment;

(d) Post Office compensation payment;

(e) LGBT Financial Recognition Scheme payment.";

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

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

(a) in sub-paragraph (1A)(**f**) for "or vaccine damage payment" substitute ", vaccine damage payment or LGBT Financial Recognition Scheme payment";

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

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

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

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

(a) after the definition of "a joint-claim jobseeker's allowance" insert—

""LGBT Financial Recognition Scheme payment" means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;";

(b) in the definition of "qualifying person"(**i**) for "or a vaccine damage payment" substitute ", a vaccine damage payment or an LGBT Financial Recognition Scheme payment".

(**a**) 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 and regulation 6(3)(a) of S.R. 2023 No. 184

(**b**) 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 and regulation 5(5) of S.R. 2023 No. 97

(**c**) Sub-paragraph (bd) was inserted by regulation 5(6) of S.R. 2023 No. 97

(**d**) 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 and amended by regulation 5(7)(a) of S.R. 2023 No. 97

(**e**) 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 and regulation 5(7)(b) of S.R. 2023 No. 97

(**f**) 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 and regulation 5(8)(a) of S.R. 2023 No. 97

(**g**) 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 and regulation 5(8)(b) of S.R. 2023 No. 97

(**h**) 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

(**i**) The definition of "qualifying person" was amended by regulation 9(3)(a) of S.R. 2010 No. 69, regulation 20(2)(b) of S.R. 2011 No. 357, regulation 7(2)(b) of S.R. 2017 No. 205, regulation 7(2)(c) of S.R. 2017 No. 219, regulation 6(2)(b) of S.R.

(3) In regulation 53(10) (non-dependant deductions) after sub-paragraph (bd)(**a**) insert—

"(be) any LGBT Financial Recognition Scheme payment;".

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

(a) in sub-paragraph (1A)(**b**) for "or vaccine damage payment" substitute ", vaccine damage payment or LGBT Financial Recognition Scheme payment";

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

Amendment of the Employment and Support Allowance Regulations

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

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

(a) after the definition of "last day of the course" insert—

""LGBT Financial Recognition Scheme payment" means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;";

(b) in the definition of "qualifying person"(**e**) for "or a vaccine damage payment" substitute ", a vaccine damage payment or an LGBT Financial Recognition Scheme payment".

(3) In regulation 107(5A)(**f**) (notional income – income due to be paid or income paid to or in respect of a third party) for sub-paragraph (d) substitute—

"(d) a Post Office compensation payment;

(e) an LGBT Financial Recognition Scheme payment.".

(4) In regulation 112(8)(b)(**g**) (income treated as capital) for head (iv) substitute—

"(iv) Post Office compensation payment;

(v) LGBT Financial Recognition Scheme payment.".

(5) In regulation 115(5A)(**h**) (notional capital) for sub-paragraph (e) substitute—

"(e) a vaccine damage payment;

(f) an LGBT Financial Recognition Scheme payment.".

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

2020 No. 108, regulation 6(2)(b) of S.R. 2021 No. 345, regulation 6(2)(c) of S.R. 2023 No. 97 and regulation 7(2)(a) of S.R. 2023 No. 184

(**a**) Sub-paragraph (bd) was inserted by regulation 6(3) of S.R. 2023 No. 97

(**b**) 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 and regulation 6(4)(a) of S.R. 2023 No. 97

(**c**) 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 and regulation 6(4)(b) of S.R. 2023 No. 97

(**d**) 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

(**e**) The definition of "qualifying person" was amended by regulation 10(3)(a) of S.R. 2010 No. 69, regulation 21(2)(b) of S.R. 2011 No. 357, regulation 8(2)(b) of S.R. 2017 No. 205, regulation 8(2)(c) of S.R. 2017 No. 219, regulation 7(2)(b) of S.R. 2020 No. 108, regulation 7(2)(b) of S.R. 2021 No. 345, regulation 7(2)(c) of S.R. 2023 No. 97 and regulation 8(2)(a) of S.R. 2023 No. 184

(**f**) 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 and regulation 7(3) of S.R. 2023 No. 97

(**g**) 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

(**h**) 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. 345 and regulation 7(5) of S.R. 2023 No. 97

(**i**) 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 and regulation 7(6) of S.R. 2023 No. 97

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

(a) in sub-paragraph (1A)(**a**) for head (d) substitute—

"(d) Post Office compensation payment;

(e) LGBT Financial Recognition Scheme payment.";

(b) in each of sub-paragraphs (2) to (5)(**b**) for "or a vaccine damage payment" substitute ", vaccine damage payment or an LGBT Financial Recognition Scheme payment";

(c) in sub-paragraph (6)(**c**) after "Grenfell Tower payment" insert ", a child abuse payment, a Windrush payment, a vaccine damage payment or an LGBT Financial Recognition Scheme payment".

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

(a) in sub-paragraph (1A)(**d**) for "or vaccine damage payment" substitute ", vaccine damage payment or LGBT Financial Recognition Scheme payment";

(b) in each of sub-paragraphs (2) to (5)(**e**) for "or a vaccine damage payment" substitute ", a vaccine damage payment or an LGBT Financial Recognition Scheme payment";

(c) in sub-paragraph (6)(**f**) after "Grenfell Tower payment" insert ", a child abuse payment, a Windrush payment, a vaccine damage payment or an LGBT Financial Recognition Scheme payment".

Amendment of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations

9. In regulation 7(2) of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations (Northern Ireland) 2008(**g**) (exempted trusts and payments)—

(a) at the end of sub-paragraphs (j), (n), (o), (p) and (r) for "." substitute ";";

(b) after sub-paragraph (r) add—

"(s) any payment that is made under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence.".

Amendment of the Universal Credit Regulations

10. In regulation 76 of the Universal Credit Regulations (Northern Ireland) 2016(**h**) (special schemes for compensation etc.), in paragraph (1A)(**i**), for sub-paragraphs (d) to (f) substitute—

"(d) the scheme established by the Windrush Compensation Scheme (Expenditure) Act 2020;

(e) the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

(**a**) 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

(**b**) 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 and regulation 7(7)(b) of S.R. 2023 No. 97

(**c**) Sub-paragraph (6) was amended by regulation 7(11)(b)(iv) of S.R. 2020 No. 108

(**d**) 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 and regulation 7(8)(a) of S.R. 2023 No. 97

(**e**) 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 and regulation 7(8)(b) of S.R. 2023 No. 97

(**f**) Sub-paragraph (6) was amended by regulation 7(12)(a)(iv) of S.R. 2020 No. 108

(**g**) S.R. 2008 No. 355; relevant amending Rules are regulation 11 of S.R. 2010 No. 69, regulation 22 of S.R. 2011 No. 357, regulation 9 of S.R. 2017 No. 219, regulation 27(4) of S.I. 2020/103, regulation 10 of S.R. 2021 No. 345 and regulation 10(2) of S.R. 2023 No. 97. Sub-paragraph (r) was added by regulation 10(2) of S.R. 2023 No. 97

(**h**) S.R. 2016 No. 216; relevant amending Regulations are S.R. 2020 No. 108, S.R. 2021 No. 345, S.R. 2023 No. 97 and S.R. 2023 No. 184

(**i**) Paragraph (1A) was inserted by regulation 8(5)(b) of S.R. 2020 No. 108 and amended by regulation 8(3) of S.R. 2021 No. 345, regulation 8(2)(b) of S.R. 2023 No. 97 and regulation 9 of S.R. 2023 No. 184

(i) in connection with the failings of the Horizon System, or

(ii) otherwise payable following the judgement in Bates and Others v Post Office Limited ((No. 3) "Common Issues");

(f) the Victims of Overseas Terrorism Compensation Scheme established by the Ministry of Justice in 2012 under section 47 of the Crime and Security Act 2010; or

(g) the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence.".

Sealed with the Official Seal of the Department for Communities on 10th February 2025

(L.S.)

David Tarr
A senior officer of the Department for Communities

The Department of Finance hereby consents to regulations 6 and 7 of the foregoing regulations

Sealed with the Official Seal of the Department of Finance on 10th February 2025

(L.S.)

Patrick Neeson
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Rule amends various social security Regulations to ensure payments pursuant to the Ministry of Defence's Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme ("the Scheme") are to be disregarded indefinitely as capital and income for the purposes of calculating entitlement to income-related social security benefit.

Regulations 2, 3, 5, 6, 7, 8 and 10 amend respectively the Income Support (General) Regulations (Northern Ireland) 1987, the Jobseeker's Allowance Regulations (Northern Ireland) 1996, the State Pension Credit Regulations (Northern Ireland) 2003, the Housing Benefit Regulations (Northern Ireland) 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006, the Employment and Support Allowance Regulations (Northern Ireland) 2008 and the Universal Credit Regulations (Northern Ireland) 2016.

Regulation 4 and 9 amend respectively the Social Security (Recovery of Benefits) Regulations (Northern Ireland) 1997 and the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations (Northern Ireland) 2008 to exempt payments under the Scheme from compensation recovery pursuant to the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997.

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, are not subject to requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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