STATUTORY RULES OF NORTHERN IRELAND

2020 No. 108

SOCIAL SECURITY

The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020

Made - - - -	*18th June 2020*
Laid before Parliament	*24th June 2020*
Coming into operation -	*15th July 2020*

The Secretary of State 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), 133(1) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**), Articles 2(2), 6(4), 14(1) and (4) and 36(2)(a) of the Jobseekers (Northern Ireland) Order 1995(**b**), sections 2(3)(b), 15(3) and (6), 17(1) and 19(1) and (3) of the State Pension Credit Act (Northern Ireland) 2002(**c**), sections 4(2), 17(1) and (3), 24(1) and 25(2)(a) of the Welfare Reform Act (Northern Ireland) 2007(**d**) and Articles 5, 13(3)(b), 24(2)(d) and (3), and 48(1) and (2)(a) of, and paragraph 4(1) and (3) of Schedule 1 and paragraph 1(1) of Schedule 6 to, the Welfare Reform (Northern Ireland) Order 2015(**e**).

These powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015(**f**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Income and Capital) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 and come into operation on 15th July 2020.

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

(**a**) 1992 c. 7. section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (2007 c. 2 (N.I.)), section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c.14), section 133(1) is cited for the definition of "prescribed" and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21).

(**b**) S.I. 1995/2705 (N.I. 15). Article 2(2) is cited for the definitions of "prescribed" and "regulations". 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).

(**c**) 2002 c. 14 (N.I.). Section 17(1) is cited for the definitions of "prescribed" and "regulations".

(**d**) 2007 c. 2 (N.I.). Section 24(1) is cited for the meaning of "prescribed" and "regulations" and section 25(2) was amended by Article 57(2)(b) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I.)).

(**e**) S.I. 2015/2006 (N.I.1). Article 5 is cited for the meaning of "prescribed".

(**f**) Article 4 was amended by Article 4 of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)). Functions under or for the purposes of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 and the Jobseekers (Northern Ireland) Order 1995 are vested in the Department for Communities by virtue of Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.)).

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

Amendment of the Income Support (General) Regulations (Northern Ireland) 1987

2.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**a**) are amended as follows.

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

(a) in the appropriate places insert—

""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;";

""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or",

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In regulation 42 (notional income)—

(a) in paragraph (4), for "paragraph (4ZA)" substitute "paragraph (4ZA) or (4ZB)";

(b) in paragraph (4ZA)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (4ZA), insert—

"(4ZB) Paragraph (4) shall not apply in respect of a payment of income which is a Grenfell Tower payment.".

(4) In regulation 48(10) (income treated as capital)—

(a) after sub-paragraph (a), insert—

"(ab) which is a Grenfell Tower payment;";

(b) in sub-paragraph (c), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(5) In regulation 51 (notional capital)—

(a) in paragraph (3), for "paragraph (3A)" substitute "paragraph (3A) or (3B)";

(b) in paragraph (3A)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (3A), insert—

"(3B) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.".

(6) In regulation 61(1) (students: interpretation), after the definition of "period of study" insert—

(**a**) S.R. 1987 No. 459; relevant amending Rules are S.R. 1988 Nos. 205 and 318, S.R. 1990 Nos. 33 and 297, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1993 Nos. 195 and 233, S.R. 1998 Nos. 81 and 326, S.R. 1999 No. 317, S.R. 2000 Nos. 241 and 242, S.R. 2001 No. 278, S.R. 2003 No. 195, S.R. 2004 Nos. 213 and 389, S.R. 2005 Nos. 536 and 550, S.R. 2007 No. 382, S.R. 2008 No. 428, S.R. 2009 No. 261, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2017 Nos. 79, 205 and 219 and S.R. 2018 No. 192.

""postgraduate loan" means a loan to a student undertaking a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998(**a**);".

(7) In regulation 62(2A) (calculation of grant income),

(a) after "student loan" insert "or a postgraduate loan";

(b) for "such a loan" substitute "a student loan or a postgraduate loan".

(8) In regulation 66A (treatment of student loans)—

(a) at the end of the heading add "and postgraduate loans";

(b) in paragraph (1), after "A student loan" insert "and a postgraduate loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate loan",

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate loan".

(d) After paragraph (4) insert—

"(4A) Where a student is treated as possessing a postgraduate loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.",

(e) in paragraph (5), after "paragraph (4)" insert "or (4A)".

(9) In regulation 67A (further disregard of student's income), for "or student loan" substitute ", student loan or postgraduate loan".

(10) In Schedule 3 (housing costs), in paragraph 18(8)(b)—

(a) at the beginning insert "any Grenfell Tower payment or";

(b) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

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

(a) in paragraph 21(2)—

(i) after "sub-paragraph (1) shall not apply where the income in kind" insert "is a Grenfell Tower payment or",

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 39—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment.",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(12) In Schedule 10 (capital to be disregarded)—

(a) in paragraph 22—

(**a**) 1998 c.30.

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert "the National Emergencies Trust,",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment or any payment made under the Child Migrants Trust (registered charity number 1171479).",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 29, after "Any payment in kind" insert "which is a Grenfell Tower payment or".

Amendment of the Jobseeker's Allowance Regulations (Northern Ireland) 1996

3.—(1) The Jobseeker's Allowance Regulations (Northern Ireland) 1996(**a**) are amended as follows.

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

(a) in the appropriate places insert—

""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;";

""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or", and

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In regulation 105(10A) (notional income)—

(a) in sub-paragraph (a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) after sub-paragraph (a), insert—

"(ab) which is a Grenfell Tower payment;".

(4) In regulation 110(10) (income treated as capital)—

(a) after sub-paragraph (a), insert—

"(ab) which is a Grenfell Tower payment;";

(b) in sub-paragraph (c), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(**a**) S.R. 1996 No. 198; relevant amending Rules are S.R. 1998 Nos. 81 and 326, S.R. 1999 No. 317, S.R. 2000 No. 242, S.R. 2004 Nos. 213 and 389, S.R. 2005 Nos. 536 and 550, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2017 Nos. 205 and 219.

(5) In regulation 113 (notional capital)—

(a) in paragraph (3), for "paragraph (3A)" substitute "paragraph (3A) or (3B)";

(b) in paragraph (3A)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (3A), insert—

"(3B) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.".

(6) In regulation 130 (students: interpretation), after the definition of "periods of experience" insert—

""postgraduate loan" means a loan to a student undertaking a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;".

(7) In regulation 131(3) (calculation of grant income)—

(a) after "student loan" insert "or a postgraduate loan";

(b) for "such a loan" substitute "a student loan or a postgraduate loan".

(8) In regulation 136 (treatment of student loans)—

(a) at the end of the heading add "and postgraduate loans";

(b) in paragraph (1), after "A student loan" insert "and a postgraduate loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate loan", and

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate loan";

(d) after paragraph (4) insert—

"(4A) Where a student is treated as possessing a postgraduate loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.";

(e) in paragraph (5), after "paragraph (4)" insert "or (4A)".

(9) In regulation 137A (further disregard of student's income), for "or student loan" substitute ", student loan or postgraduate loan".

(10) In Schedule 2 (housing costs) in paragraph 17(8)(b)—

(a) at the beginning insert "any Grenfell Tower payment or";

(b) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

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

(a) in paragraph 22(2)—

(i) after "sub-paragraph (1) shall not apply where the income in kind" insert "is a Grenfell Tower payment or", and

(i) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 41—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment.",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "MFET Limited" insert ", the National Emergencies Trust".

(12) In Schedule 7 (capital to be disregarded)—

(a) in paragraph 27—

(i) in sub-paragraph (1), after "the London Bombings Relief Charitable Fund" insert ", the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment or any payment made under the Child Migrants Trust (registered charity number 1171479).",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,", and

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment";

(b) in paragraph 31, after "Any payment in kind" insert "which is a Grenfell Tower payment or is".

Amendment of the State Pension Credit Regulations (Northern Ireland) 2003

4.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**a**) are amended as follows.

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

(a) in the appropriate places insert—

""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;";

""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or", and

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In Schedule 2 (housing costs) in paragraph 14(8)—

(a) in paragraph (b), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) after paragraph (b), insert—

(**a**) S.R. 2003 No. 28; relevant amending Rules are S.R. 2003 No. 421, S.R. 2004 No. 213, S.R. 2005 Nos. 536 and 550, S.R. 2006 No. 407, S.R. 2008 No. 428, S.R. 2010 No. 69, S.R. 2011 No. 357, S.R. 2016 No. 236, S.R. 2017 Nos. 205 and 219 and S.R. 2018 No. 150.

"(ba) any Grenfell Tower payment;".

(4) In Schedule 5 (income from capital)—

(a) in paragraph 15—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment or any payment made under the Child Migrants Trust (registered charity number 1171479).",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 20 after sub-paragraph (1)(d), insert—

"(e) to rectify, or to compensate for, an error made by an officer of the Department which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance.";

(c) in paragraph 20A—

(i) in sub-paragraph (1), for "relevant benefit and has been" substitute "relevant benefit, or to which paragraph 20(1)(e) applies, and which has been", and

(ii) in sub-paragraph (2)—

(aa) in paragraph (c), after "paragraph 9(2)" insert "or 9A"; and

(bb) after paragraph (e), insert—

"(f) regulations 8A to 8C of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**a**);".

Amendment of the Housing Benefit Regulations (Northern Ireland) 2006

5.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(**b**) are amended as follows.

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

(a) in the appropriate places insert—

""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;";

""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(**a**) S.R. 2016 No. 226.

(**b**) S.R. 2006 No. 405; relevant amending Regulations are S.R. 2007 No. 298, S.R.2010 No.69, S.R. 2011 No. 357 and S.R. 2017 No. 205.

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or", and

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In regulation 39 (notional income)—

(a) in paragraph (6), for "paragraph (7)" substitute "paragraph (7) or (7A)";

(b) in paragraph (7)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (7), insert—

"(7A) Paragraph (6) shall not apply in respect of a payment of income which is a Grenfell Tower payment.".

(4) In regulation 43(6) (income treated as capital)—

(a) for "other than a payment which" substitute "other than a Grenfell Tower payment or a payment which";

(b) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(5) In regulation 46 (notional capital)—

(a) in paragraph (3), for "paragraph (4)" substitute "paragraph (4) or (4A)";

(b) in paragraph (4)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) after paragraph (4), insert—

"(4A) Paragraph (3) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.".

(6) In regulation 50(1) (students: interpretation), after the definition of "periods of experience" insert—

""postgraduate loan" means a loan to a student undertaking a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;";

(7) In regulation 56(3) (calculation of grant income)—

(a) after "student loan" insert " or a postgraduate loan";

(b) for "such a loan" substitute "a student loan or a postgraduate loan.".

(8) In regulation 61 (treatment of student loans)—

(a) at the end of the heading add "and post graduate loans";

(b) in paragraph (1), after "a student loan" insert "and postgraduate loan";

(c) in paragraph (3)—

(i) after "a student loan" in both places, insert "or a postgraduate loan", and

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate loan".

(d) after paragraph (4) insert—

"(4A) Where a student is treated as possessing a postgraduate loan under paragraph (3) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (5), a sum equal to 30 per cent. of the maximum postgraduate loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.".

(9) In regulation 65 (further disregard of student's income), for "or student loan" substitute ", student loan or postgraduate loan".

(10) In regulation 72(9) (non-dependant deductions)—

(a) in sub-paragraph (b), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) after sub-paragraph (b), insert—

"(ba) any Grenfell Tower payment;".

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

(a) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment.";

(c) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,";

(d) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment";

(e) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(12) In Schedule 7 (capital to be disregarded)—

(a) after paragraph 9, insert—

"**9A.**—(1) A payment made to rectify, or to compensate for, an error made by an officer of the Department which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance but, subject to sub-paragraph (2), only for a period of 52 weeks from the date of the receipt of the payment.

(2) In a case where the amount of such payment is £5,000 or more, sub-paragraph (1) shall have effect in relation to the payment either for a period of 52 weeks from the date of receipt, or, if the amount is received in its entirety during the award of housing benefit, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph (1), "contributory employment and support allowance" means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the 2015 Order that remove references to an income-related allowance.

(4) For the purposes of sub-paragraph (2), "the award of housing benefit" has the meaning in paragraph 9(3) of this Schedule except that "the relevant sum" means the payment to be disregarded by this paragraph.";

(b) in paragraph 25—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment or any payment made under the Child Migrants Trust (registered charity number 1171479).",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(c) in paragraph 35, after "Any payment in kind" insert "which is a Grenfell Tower payment or is".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

6.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**a**) are amended as follows.

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

(a) in the appropriate places insert—

""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;";

""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or", and

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In regulation 53(10) (non-dependant deductions)—

(a) in sub-paragraph (b), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) after sub-paragraph (b), insert—

"(ba) any Grenfell Tower payment;".

(4) In Part 1 of Schedule 7 (capital to be disregarded)—

(a) in paragraph 16—

(i) in sub-paragraph (1)(a), after "the We Love Manchester Emergency Fund," insert "the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.",

(iii) in sub-paragraphs (2) to (5), after "which derives from a payment made under or by any of the Trusts" insert ", or from a Grenfell Tower payment,", and

(iv) in sub-paragraph (6), after "which derives from any payment of income or capital made under or deriving from any of the Trusts" insert "or from a Grenfell Tower payment";

(b) in paragraph 21—

(i) after sub-paragraph (1)(e), insert—

"(f) to rectify, or to compensate for, an error made by an officer of the Department which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply.", and

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(**a**) S.R. 2006 No. 406; relevant amending Regulations are S.R. 2010 No. 69, S.R. 2011 No. 357 and S.R. 2017 Nos. 205 and 219.

(ii) after sub-paragraph (2), insert—

"(3) In sub-paragraph (1) "contributory employment and support allowance" means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the 2015 Order (that remove references to an income-related allowance).";

(c) in paragraph 22—

(i) after sub-paragraph (1), insert—

"(1A) Subject to sub-paragraph (3), any payment of £5,000 or more received by the claimant in full on or after the day on which the claimant became entitled to benefit under these Regulations or the Housing Benefit Regulations which has been made to rectify, or to compensate for, an error made by an officer of the Department which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance.

(1B) In sub-paragraph (1) "contributory employment and support allowance" has the meaning in paragraph 21(3) of this Schedule.",

(ii) in sub-paragraph (2)—

(aa) in paragraph (c) after "paragraph 9(2)" insert "or 9A";

(bb) after paragraph (f), insert—

"(g) regulations 8A to 8C of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016;", and

(iii) in sub-paragraph (3), for "(1) or (2)" substitute "(1), (1A) or (2)".

Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2008

7.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(**a**) are amended as follows.

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

(a) in the appropriate places insert—

""Grenfell Tower payment" means a payment made to a person because that person was affected by the fire on 14th June 2017 at Grenfell Tower, or a payment to the personal representative of such a person—

(a) from the £5 million fund announced on 16th June 2017 for the benefit of certain persons affected by the fire on 14th June 2017 at Grenfell Tower and known as the Grenfell Tower Residents' Discretionary Fund;

(b) by the Royal Borough of Kensington and Chelsea; or

(c) by a registered charity;";

""the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;";

(b) in the definition of "qualifying person"—

(i) after "means a person in respect of whom" insert "a Grenfell Tower payment has been made or", and

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(3) In regulation 107 (notional income – income due to be paid or income paid to or in respect of a third party) —

(**a**) S.R. 2008 No. 280; relevant amending Rules are S.R. 2008 No. 413, S.R. 2009 No. 261, S.R. 2010 Nos. 69 and 311, S.R. 2011 No. 357, S.I. 2013/3021 and S.R. 2017 Nos. 205 and 219.

(a) in paragraph (3), for "paragraph (5)" substitute "paragraph (5) or (5A)";

(b) in paragraph (4), for "paragraph (5)" substitute "paragraph (5) or (5A)";

(c) in paragraph (5)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(d) after paragraph (5), insert—

"(5A) Paragraphs (3) and (4) do not apply in respect of a payment of income which is a Grenfell Tower payment.".

(4) In regulation 112 (income treated as capital) for paragraph (8) substitute—

"(8) This paragraph applies to—

(a) any payment which is made under or by the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme, the London Emergencies Trust, the We Love Manchester Emergency Fund, the National Emergencies Trust or the Independent Living Fund (2006); or

(b) any Grenfell Tower payment.".

(5) In regulation 115 (notional capital)—

(a) in paragraph (3), for "paragraph (5)" substitute "paragraph (5) or (5A)";

(b) in paragraph (4), for "paragraph (5)" substitute "paragraph (5) or (5A)";

(c) in paragraph (5)(a), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(d) after paragraph (5), insert—

"(5A) Paragraphs (3) and (4) shall not apply in respect of a payment of capital which is a Grenfell Tower payment.".

(6) In regulation 131(1) (interpretation), after the definition of "period of study" insert—

""postgraduate loan" means a loan to a student undertaking a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998;".

(7) In regulation 132(3) (calculation of grant income)—

(a) after "student loan" insert "or a postgraduate loan";

(b) for "such a loan" substitute "a student loan or a postgraduate loan".

(8) In regulation 137 (treatment of student loans)—

(a) at the end of the heading add "and postgraduate loans";

(b) in paragraph (1), after "A student loan" insert "and postgraduate loan";

(c) in paragraph (4)—

(i) after "a student loan" in both places, insert "or a postgraduate loan",

(ii) in sub-paragraph (b), for "such a loan" substitute "a student loan or a postgraduate loan".

(d) in paragraph (4A), after "student loan" insert "or postgraduate loan";

(e) after paragraph (5) insert—

"(5A) Where a student is treated as possessing a postgraduate loan under paragraph (4) in respect of an academic year, the amount of that loan to be taken into account as income shall be, subject to paragraph (6), a sum equal to 30 per cent. of the maximum postgraduate loan the student is able to acquire in respect of that academic year by taking reasonable steps to do so.";

(f) in paragraph (6), after "into account under paragraph (5)" insert "or (5A)".

(9) In regulation 141 (further disregard of student's income), for "or student loan" substitute ", student loan or postgraduate loan".

(10) In Schedule 6 (housing costs), in paragraph 19(8)(b)—

(a) at the beginning insert "any Grenfell Tower payment or";

(b) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

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

(a) in paragraph 21(2)—

(i) after "sub-paragraph (1) shall not apply where the income in kind" insert "is a Grenfell Tower payment or", and

(ii) after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 40—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment.",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "Trusts to which sub-paragraph (1) refers" add "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust".

(12) In Schedule 9 (capital to be disregarded)—

(a) in paragraph 27—

(i) in sub-paragraph (1), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust",

(ii) after sub-paragraph (1), insert—

"(1A) Any Grenfell Tower payment or any payment made under the Child Migrants Trust (registered charity number 1171479).",

(iii) in each of sub-paragraphs (2) to (5), after "Trusts to which sub-paragraph (1) refers" insert ", or from a Grenfell Tower payment,",

(iv) in sub-paragraph (6), after "or deriving from any of the Trusts" insert "or from a Grenfell Tower payment", and

(v) in sub-paragraph (7), after "the We Love Manchester Emergency Fund" insert ", the National Emergencies Trust";

(b) in paragraph 31, after "Any payment in kind" insert "which is a Grenfell Tower payment or is".

Amendment of the Universal Credit Regulations (Northern Ireland) 2016

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

(2) In regulation 68 (person treated as having student income)—

(a) in paragraphs (1), after "a student loan" insert ", a postgraduate loan";

(b) in paragraph (2), after "a student loan" insert " or a postgraduate loan";

(**a**) S.R. 2016 No.216; relevant amending Regulations is S.R. 2018 No. 92

(c) in paragraph (5) —

(i) after "a student loan" insert " or a postgraduate loan", and

(ii) for "such a loan" substitute "a student loan or postgraduate loan";

(d) in paragraph (7), after the definition of "long vacation" insert—

""postgraduate loan" means a loan to a student undertaking a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teachers Higher Education Act 1998;".

(3) In regulation 69 (calculation of student income – student loans)—

(a) at the end of the heading insert "and postgraduate loans";

(b) after paragraph (1) insert—

"(1A) Where, in accordance with regulation 68(2), a person's student income is to be based on the amount of a postgraduate loan for a year, the amount to be taken into account is 30 per cent. of the maximum postgraduate loan that the person would be able to acquire by taking reasonable steps to do so.".

(c) in paragraph (2), after "paragraph (1)" insert "or the maximum postgraduate loan in paragraph (1A)".

(4) In regulation 71(calculation of student income – amount for an assessment period), in Step 1—

(a) in paragraph (a) for "if regulation 68(2)applies (person with a student loan)" substitute "in so far as regulation 68(2) applies to a person with a student loan,";

(b) at the end of paragraph (a) omit "or";

(c) after paragraph (a) insert—

"(aa) in so far as regulation 68(2) applies to a person with a postgraduate loan, 30 per cent. of the amount of the loan in relation to the year of the course in which the assessment period falls; or";

(d) in paragraph (b), after "student loan" insert "or postgraduate loan".

(5) In regulation 76 (special schemes for compensation etc)—

(a) in paragraph (1)(a)—

(i) at the end of head (v), omit "or", and

(ii) after head (v) insert—

"(vi) the fire at Grenfell Tower on 14th June 2017; or".

(b) after paragraph (1) insert—

"(1A) This regulation also applies where a person receives a payment from—

(a) the National Emergences Trust, registered charity number 1182809;

(b) the Child Migrants Trust, registered charity number 1171479;

(c) the Royal Borough of Kensington or Chelsea or a registered charity where the payment is made because a person was affected by the Grenfell Tower on 14th June 2017 or is a personal representative of such a person.".

(6) In regulation 88 (claimants subject to no work-related requirements), after paragraph (3) insert—

"(4) For the purposes of paragraph (1)(e)(ii), a claimant is not to be treated as having student income where—

(a) that income is a postgraduate loan; and

(b) the course in respect of which the loan is paid is not a full-time course.

(5) In paragraph (4), "postgraduate loan" has the meaning given in regulation 68(7).".

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

9. In the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**a**), after regulation 8B insert—

"Compensatory payment disregard as capital

8C.—(1) This regulation applies in relation to the calculation of an award of universal credit where—

(a) the claimant has received a payment made to rectify, or compensate for, an error made by an officer of the Department which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance; and

(b) the payment is received before the first date on which, by virtue of Article 39 of the Order (abolition of benefits), no claimant is entitled to an existing benefit.

(2) Where this regulation applies and the amount of the payment is less than £5,000, the payment is to be disregarded from the calculation of the claimant's capital for 12 months from the date of receipt of the payment.

(3) Where—

(a) this regulation applies;

(b) the amount of the payment is £5,000 or more; and

(c) the conditions set out in regulation 8A(1)(a) and (c) are met,

the payment is to be disregarded from the calculation of the claimant's capital for 12 months from the date of receipt of the payment, or until the termination of the current award (if later).".

Signed by authority of the Secretary of State for Work and Pensions

Will Quince
Parliamentary Under Secretary of State
Department for Word and Pensions

18th June 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend—

the Income Support (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 459) (regulation 2),

the Jobseeker's Allowance Regulations (Northern Ireland) 1996 (S.R. 1996 No. 198) (regulation 3),

the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28) (regulation 4),

the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) (regulation 5),

(**a**) S.R.2016 No. 226; relevant amending Regulations are S.R. 2018 No. 187 and S.R. 2019 No. 195.

the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406) (regulation 6),

the Employment and Support Allowance Regulations (Northern Ireland) 2008 (S.R. 2008 No. 280) (regulation 7),

the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) (regulation 8), and

the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 226) (regulation 9).

Regulations 2(2) to (5) and (10) to (12), 3(2) to (5) and (10) to (12), 4(2) to (4)(a), 5(2) to (5) and (10), (11) and (12)(b) and (c), 6(2) to (4)(a), 7(2) to (5) and (10) to (12) and 8(5) make amendments that provide for payments to a benefit recipient from the National Emergencies Trust, the Child Migrants Trust or in relation to the fire at Grenfell Tower on 14th June 2017 to be disregarded and not taken into account for the purposes of calculating benefit entitlement. The National Emergencies Trust launches public appeals in response to domestic disasters and emergencies, and coordinates the distribution of funds raised to victims and their families. The Child Migrants Trust makes payments to former British child migrants, who were separated from their families and sent overseas as part of the UK government's historic participation in child migration programmes.

Regulations 4(4)(b) and (c), 5(12)(a), 6(4)(b) and (c) and 9 make amendments that provide for compensatory payments made for an assessment of a claimant's entitlement to contributory employment and support allowance (under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance) being prevented or delayed to be disregarded and not taken into account for the purposes of calculating entitlement to other benefits.

Regulations 2(6) to (9), 3(6) to (9), 5(6) to (9), 7(6) to (9) and 8(2) to (4) and (6) make amendments in relation to student finance. A definition of "postgraduate loan" is inserted and references to such loans are added where appropriate. The definition of "postgraduate loan" includes any loan for a postgraduate master's degree course or a postgraduate doctoral degree course pursuant to regulations made under section 22 of the Teaching and Higher Education Act 1998 (c. 30). 30% of the maximum amount of any such loan that a student could acquire is to be taken into account in calculating the student's income for the purposes of determining the amount of an award of benefit.

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

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