This Statutory Rule has been made in consequence of a defect in S.R. 2017 No. 70, S.R. 2018 No. 135, S.I. 2021/786, S.I. 2022/177, S.R. 2022 No. 194 and S.R. 2019 No. 152 and is being issued free of charge to all known recipients of that Statutory Rule.

STATUTORY RULES OF NORTHERN IRELAND

2025 No. 3

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2025

Made - - - -	*16th January 2025*
Coming into operation	*27th January 2025*

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129A(2), (3) and (5) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**), and now vested in it(**c**), sections 2(3)(b) and 19(1) of the State Pension Credit Act (Northern Ireland) 2002(**d**), Articles 16(4), 38, 48(1) and (2) of and paragraphs 1(1), 4, 6 and 7 of Schedule 6, to the Welfare Reform (Northern Ireland) Order 2015(**e**).

The powers are exercisable by the Department for Communities by virtue of Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020(**f**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2025.

(2) Subject to paragraphs (3) and (4), these Regulations come into operation on 27th January 2025.

(3) Regulation 6(2)(b) (and regulation 6(1) insofar as it relates to regulation 6(2)(b)) comes into operation on 6th April 2025.

(4) Regulation 6(8) (and regulation 6(1) insofar as it relates to regulation 6(8)) comes into operation on 1st June 2025.

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

(**a**) The Department for Social Development was renamed the Department for Communities in accordance with Section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))
(**b**) 1992 c. 7 (N.I.) Section 122(1) has been amended but the amendments are not relevant to these Regulations Section 129A was inserted by section 30(2) of the Welfare Reform Act (Northern Ireland) 2007 (c. 2), there are other amendments but none are relevant
(**c**) See Article 8(b) of S.R. 1999 No. 481
(**d**) 2002 c.14 (N.I.)
(**e**) S.I. 2015/2006(N.I. 1)
(**f**) S.I. 2020/927
(**g**) 1954 c.33 (N.I.)

Amendment of the State Pension Credit Regulations (Northern Ireland)

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

(2) In Schedule 2A (additional amount applicable for claimants responsible for a child or qualifying young person)—

(a) in paragraph 2(1) (general), after the definition of "child", insert—

""foster parent" has the meaning given in regulation 2(1) (interpretation) of the Universal Credit Regulations (Northern Ireland) 2016(**b**);"

(b) in paragraph 4(3) (child or qualifying young person looked after by an authority)—

(i) at the end of head (a), omit "or";

(ii) at the end of head (b), for "." substitute "; or";

(iii) after head (b), insert—

"(c) during which the child or qualifying young person is placed for adoption under the Adoption (Northern Ireland) Order 1987(**c**).".

Amendment of the Housing Benefit Regulations (Northern Ireland)

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

(2) In regulation 2(1) (interpretation) in the definition of "member of a couple who cannot share a bedroom" in paragraph (a)—

(a) in sub-paragraph (i) omit "at the higher rate in accordance with section 65(3) of the Act";

(b) in sub-paragraph (ia) omit "at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024(**e**)".

Amendments of the Housing Benefits (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland)

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

(2) In regulation 2(1) (interpretation) in the definition of "member of a couple who cannot share a bedroom" in paragraph (a)—

(a) in sub-paragraph (i) omit "at the higher rate in accordance with section 65(3) of the Act";

(b) in sub-paragraph (ia) omit "at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024".

Amendment of the Universal Credit Regulations (Northern Ireland)

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

(2) In paragraph 11 (additional room) of Schedule 4 (housing costs element for renters)(**g**)—

(a) for sub-paragraph (6) substitute—

(**a**) S.R. 2003 No. 28; Schedule 2A was inserted by regulation 2(3) of S.R. 2018 No. 135
(**b**) S.R. 2016 No. 216
(**c**) S.I. 1987/2203 (N.I. 22)
(**d**) S.R. 2006 No. 405. The definition of a "member of a couple who cannot share a bedroom" was inserted by S.R. 2017 No. 70 and amended by S.I. 2022/177; there are other amending instruments but none are relevant
(**e**) S.I. 2024 No. 919
(**f**) S.R. 2006 No. 406. The definition of a "member of a couple who cannot share a bedroom" was inserted by S.R. 2017 No. 70 and amended by S.I. 2022/177; there are other amending instruments but none are relevant
(**g**) Relevant amending instruments are S.R. 2017 No. 70 and S.I. 2021/786

"(6) A renter satisfies the disabled child condition if they or another member of their extended benefit unit are responsible for a child who would (but for the provisions of this paragraph) be expected to share a bedroom and that child is—

(a) in receipt of—

(i) the care component of disability living allowance at the middle or highest rate; or

(ii) the care component of child disability payment at the middle or highest rate in accordance with regulation 11(5) of the DACYP Regulations; and

(b) that child is, by virtue of their disability, not reasonably able to share a room with another child;"

(b) in sub-paragraph (6A)(a)—

(i) in sub-paragraph (ii) omit "at the higher rate";

(ii) in sub-paragraph (iia) omit "at the higher rate in accordance with regulation 6 of the Disability Assistance for Older People (Scotland) Regulations 2024".

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

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

(2) In regulation 4A (restriction on claims for housing benefit, income support or a tax credit)(**b**)—

(a) After paragraph (8) insert—

"(9) Despite anything in paragraph (6) or (7) or in the Tax Credits (Claims and Notifications) Regulations 2002(**c**), a person may not make, or be treated as making, a claim for a tax credit in respect of the whole, or any part, of the tax year beginning on 6th April 2025 or any subsequent tax year.";

(b) in paragraph (9) (as inserted by sub-paragraph (a)) omit "paragraph (6) or (7) or in".

(3) In regulation 6A (transitional housing payment)(**d**)—

(a) in the opening words omit "or 47";

(b) in paragraphs (a) and (b) omit "or 47(1)".

(4) In regulation 9 (ongoing awards of tax credits)(**e**) after paragraph (2) insert—

"(3) This regulation applies in relation to a current tax year that ends on or before 5th April 2025 only.".

(5) In regulation 22 (other claimants with limited capability for work: credits only cases)—

(a) in the heading omit ": credits only cases";

(b) for paragraph 1(a) (but not the "and" after it) substitute—

"(a) an award of universal credit is made to a claimant—

(i) who was entitled to be credited with earnings equal to the lower earnings limit then in operation under regulation 8B(2)(a)(iv), (iva) or (v) of the Social Security (Credits) Regulations (Northern Ireland)

(**a**) S.R. 2016 No. 226
(**b**) Regulation 4A was inserted by regulation 4 of S.R. 2022 No. 194 and amended by S.R. 2024 No. 54.
(**c**) S.I. 2002/2014
(**d**) Regulation 6A was inserted by regulation 9(7) of S.R. 2018 No. 92
(**e**) Regulation 9 was amended by S.R. 2018 No. 92 and S.R. 2019 No. 152

1975(**a**) ("the 1975 Regulations") on the date which the claim for universal credit was made or treated as made (the "relevant date"); or

(ii) who claims or is treated as claiming universal credit within the period of one month beginning with the day after the day on which an award of new-style ESA or old-style ESA ends and would have been so entitled on the relevant date but for reaching the qualifying age for state pension credit;".

(6) In regulation 45 (migration notice)(**b**)—

(a) in paragraph (3), at the beginning insert "Subject to paragraphs (3A) and (3B),";

(b) in paragraph (3A), omit "But" and for "where" substitute "Where";

(c) after paragraph (3A) insert—

"(3B) Where a migration notice is—

(a) issued to a person who is entitled to an award of tax credit; and

(b) issued on or after 27th January 2025 and before 6th April 2025, the deadline day may be 6th April 2025.".

(7) In regulation 51 (Department to determine whether transitional protection applies)(**c**) after paragraph (2) insert—

"(3) A person who makes a claim for universal credit as a single person by virtue of regulation 3(2) of the Universal Credit Regulations (Northern Ireland) is a single person for the purposes of paragraph (1)(a) and a member of a couple for the purposes of paragraph (1)(b).".

(8) In regulation 56 (the transitional element – initial amount and adjustment where other elements increase)(**d**)—

(a) in paragraph (4)—

(i) for "paragraph (5)" substitute "paragraphs (5) and (5A)";

(ii) after "the first time" insert ", or included again following a change of circumstances";

(b) after paragraph (5) insert—

"(5A) There is to be no "relevant increase" with respect to the inclusion of a housing costs element in a case where the claimant was entitled to an award of housing benefit in respect of specified accommodation or temporary accommodation within the month ending with the first day of the assessment period in which the housing costs element is included.";

(c) in paragraph (6) after "this regulation" insert ""housing costs element",".

(9) In regulation 61(1) (protection for full-time students until course completed)(**e**)—

(a) for "notified person", in the first place it occurs, substitute "person who has made a qualifying claim";

(b) for "on the day on which all awards of any existing benefit are to terminate as a consequence of a claim for universal credit" substitute "on the migration day";

(c) for "notified person," in the second place it occurs, substitute "person".

(10) In regulation 61B(1) (deferral of retirement pension income)(**f**) before "claim" insert "qualifying".

(**a**) S.R. 1975 No. 113 Regulation 8B was inserted by regulation 2(6) of S.R. 1996 No. 430 and amended by S.R. 2000 No. 404, 2003 No. 151, 2008 No. 286, 2010 No. 109 and S.R. 2016 No. 175

(**b**) Regulation 45 was inserted by regulation 2(8) of S.R. 2019 No. 152; relevant amending instruments are S.R. 2022 No. 194 and S.R. 2024 No. 119

(**c**) Regulation 51 was inserted by regulation 2(8) of S.R. 2019 No. 152 and amended by S.R. 2022 No. 194 Article 45 of the Welfare Reform (Northern Ireland) Order 2015 defines the term "couple"

(**d**) Regulation 56 was inserted by regulation 2(8) of S.R. 2019 No. 152 relevant amending instruments are S.R. 2022 No. 194.

(**e**) Regulation 61 was amended by S.R. 2022 No. 194

(**f**) Regulation 61B was inserted by regulation 2(5) of S.R. 2024 No. 119

Sealed with the Official Seal of the Department for Communities on 16th January 2025

(L.S.)

David Tarr
A Senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28) ("the 2003 Regulations"), the Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006 No. 405) ("the Housing Benefit Regulations"), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406) ("the Pension Age Housing Benefit Regulations"), the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) ("the 2016 Regulations") and the Universal Credit (Transitional Provisions) (Northern Ireland) Regulations 2016 (S.R. 2016 No. 226) ("the 2016 Transitional Regulations").

Regulation 2 makes amendments to the 2003 Regulations. The amendment to Schedule 2A inserts a definition of foster parent and ensures that an additional amount applicable for claimants responsible for a child or qualifying young person can be paid where a child is placed for adoption with a claimant.

Regulation 3 and 4 amend the definition of "member of a couple who cannot share a bedroom" within regulation 2(1) of each of the Housing Benefit Regulations and the Pension Age Housing Benefit Regulations, extending the scope of the definition to a member of a couple who is in receipt of pension age disability payment at the lower or higher rate or any of the types of benefit that fall within the definition of "attendance allowance" in the respective Regulations, including attendance allowance under Part 3 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) at the lower or higher rate.

Regulation 4 also makes clarifying amendment to the definition of "member of a couple who cannot share a bedroom" within regulation 2(1) of the Pension Age Housing Benefit Regulations.

Regulation 5 makes a clarifying amendment to the description of the disabled child condition in paragraph 11(6) of Schedule 4 of the Universal Credit Regulations (Northern Ireland) 2016.

Regulation 5 also amends paragraph 11 of Schedule 4 to the 2016 Regulations to extend the scope of the "disabled person condition" through which a renter can be entitled to an additional bedroom for housing costs element purposes if they would (but for the operation of that provision) be expected to share a bedroom with a joint renter. The scope of the condition is extended to include a renter in receipt of pension age disability payment at the lower or higher rate or any of the types of benefit that fall within the definition of "attendance allowance" in the Universal Credit Regulations, including attendance allowance under section 64 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) at the lower or higher rate.

Regulation 6 makes amendments to the 2016 Transitional Regulations.

Regulation 6(2)(a) amends regulation 4A to make it clear that the prohibition against new claims for tax credit extends to deemed claims for tax credit. Entitlement to tax credits will end for all claimants on 5th April 2025. In consequence, the amendment makes it clear that it will not be possible to make any kind of claim for tax credit for the tax year beginning 6th April 2025, or a subsequent tax year, including a deemed claim for tax credit pursuant to regulation 11 or 12 of the Tax Credit (Claims and Notifications) Regulations 2002 (S.I. 2002/2014). Regulation 6(2)(b) repeals, from 6th April 2025, part of the text inserted by regulation 6(2)(a). That text will become redundant on that day because of a separate amendment made by regulation 8(2) of the Social Security and Universal Credit (Migration of Tax Credit Claimants and Miscellaneous Amendments) Regulations (Northern Ireland) 2024 (S.R. 2024 No. 54).

Regulation 6(3) amends regulation 6A to remove unnecessary cross-references to regulation 47.

Regulation 6(4) is an amendment consequential upon the expiry of tax credits.

Regulation 6(5) amends regulation 22 to provide claimants who would have been entitled to credits of contributions and earnings on the grounds of limited capability for work had they not reached the qualifying age for state pension credit, may be treated as having limited capability for work, or limited capability for work and work-related activity, for the purposes of an award of universal credit. The claim for universal credit must have been made within one month beginning with the day after the day on which the award of employment and support allowance ended.

Regulation 6(6) amends regulation 45 to ensure that tax credit recipients who are issued migration notices shortly before the expiry of tax credit (on 5th April 2025) can access the transitional protection to which the 2016 Transitional Regulations entitle them. The amendment does this by aligning the deadline day set out in the migration notice with the expiry of tax credits.

Regulation 6(7) amends regulation 51, which among other things, deals with the effect that a change in a person's couple status has on their entitlement to a transitional element upon migration to universal credit. The amendment ensures that a person who is part of a couple but makes a claim as a single person because they have an ineligible partner is excluded from the transitional element. Also excluded is a person who was single for legacy benefit purposes but becomes a member of a couple upon migration to universal credit, even if they claim as a single person because their partner is ineligible.

Regulation 6(8) amends regulation 56 to provide that when calculating the adjustment of a transitional element there is no relevant increase when a claimant moves from Housing Benefit in respect of specified accommodation or temporary accommodation to the housing costs element in Universal Credit. The housing costs element must be awarded within one month of the Housing Benefit award ending.

Regulations 6(9) and (10) amend regulations 61 and 61B(1) which concern the conferral of transitional protection to students and persons over pension age who migrate to universal credit. The amendments ensure the protection is available to those persons who make a "qualifying claim", meaning a claim that meets the requirements of regulation 49 of the 2016 Transitional Regulations.

These Regulations make in relation to Northern Ireland 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.

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

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