EXPLANATORY MEMORANDUM TO

THE SOCIAL SECURITY (REMOVAL OF TWO CHILD LIMIT) (CONSEQUENTIAL AMENDMENTS) REGULATIONS (NORTHERN IRELAND) 2026

S.R. 2026 No. 68

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Communities to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 122(1)(a) and (d), 131(1), 132(3) and (4)(b), 133 and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992[1], Articles 2, 6(5), 14(1) and (4)(b) and 36(2) of the Jobseekers (Northern Ireland) Order 1995[2], and now vested in it, and paragraph 1(1) of Schedule 6 to the Welfare Reform (Northern Ireland) Order 2015[3] and is subject to the negative resolution procedure.

2. Purpose

2.1 This Statutory Rule makes consequential amendments to social security regulations upon the abolition of the two-child limit by the Universal Credit (Removal of Two Child Limit) Act 2026[4]. These amendments come into operation on the same day as the Act, 6 April 2026.

3. Background

3.1 The two-child limit was introduced across the UK in 2017 – in Northern Ireland under provision in the Welfare Reform and Work (Northern Ireland) Order 2016[5]. It restricted support in Universal Credit (UC) to a maximum of two children or qualifying young persons for whom a claimant was responsible. As a result, the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2017[6] also made changes to working age Housing Benefit (HB), Income Support (IS) and Jobseeker's Allowance (JSA) to reflect the two-child limit in the calculation of these benefit awards.

3.2 The two-child limit policy formed part of a wider welfare reform designed to ensure that benefit entitlement reflected choices and financial considerations similar to those faced by working families. Under this approach, households generally received support for no more than two children unless a specific exception applied to a third or subsequent child, or the child was born before the policy was introduced. This meant families with three or more children did not routinely receive additional child element amounts or child personal allowances for their third child or subsequent children.

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[1] 1992 c.7
[2] 1995 No. 2705 (N.I.15)
[3] 2015 No. 2006 (N.I.1)
[4] 2026 c.13
[5] 2016 No. 999 (N.I.1)
[6] S.R. 2017 No. 79

3.3 To ensure alignment between UC and HB claimants, Regulation 2 of this Rule amends regulations 20 and 21 of the Housing Benefit Regulations (Northern Ireland) 2006[7] to remove the two-child limit in the calculation of the HB award for working age claimants. This means that working age families on HB will have all their children or qualifying young persons included in their HB award. The measure affects only working age claimants who are not entitled to UC, as those entitled to means-tested benefits are 'passported' to the maximum eligible amount of HB. No amendments to the pension age HB regulations are required because the Social Security (State Pension Age Claimants: Closure of Tax Credits) (Amendments) Regulations (Northern Ireland) 2024[8] removed the two-child limit for pension age HB claimants in June 2024.

3.4 Regulation 8 of the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2017 provided transitional protection for families with three or more children or qualifying young persons when the two-child limit was introduced into HB in 2017, by preventing the application of the two-child limit in the calculation of their HB entitlement. With the removal of the two-child limit for working age HB claimants, these savings provisions are no longer required and Regulation 4(c) of this Rule therefore revokes this provision.

3.5 Removal of the two-child limit in UC also results in the removal of all associated exceptions. As a result, Regulation 3 of this Rule revokes regulations that provided transitional protection relating to these exceptions. Regulation 42 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016[9] allowed for the carry-over of exceptions (multiple birth, adoption and non-consensual conception) for a step-parent from a previous award of Child Tax Credit (CTC), IS or income-based JSA to UC. It allowed, in certain circumstances, these exceptions as if they had been claimed in a UC award, satisfying the requirement in paragraph 6(c) of Schedule 12 to the Universal Credit Regulations (Northern Ireland) 2016[10]. This enabled step-parents to continue claiming specific two-child limit exceptions for a particular child or qualifying young person they remained responsible for into a subsequent UC award made under specific circumstances, such as where the new award formed following the death of the child's biological parent, ensuring continuity of support. However, with the removal of the two-child limit, all exceptions are removed: as a result, this provision is no longer required and is therefore revoked.

3.6 Similarly, regulation 43 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 removed the requirement for claimants to resubmit evidence regarding non-consensual conception where this had already been provided to the HMRC for a CTC award. With these exceptions no longer in place, these rules are revoked.

3.7 In 2017, amendments were also made by regulation 4 and regulation 5 of the Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) (Amendment) Regulations (Northern Ireland) 2017 to IS and JSA, respectively, to include the two-child limit in the calculation of these legacy benefit awards.

[7] S.R. 2006 No. 405
[8] S.R. 2024 No. 119
[9] S.R. 2016 No. 226
[10] S.R. 2016 No. 216

Following the removal of the two-child limit in UC, the regulations made in 2017 are no longer necessary and are therefore revoked by Regulation 4(a) and (b) of this Rule.

4. Consultation

4.1 As the 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, consultation with the Social Security Advisory Committee was not required.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on the legislative proposals for these Regulations and has concluded that they do not have significant implications for equality of opportunity or good relations. In light of this, the Department considers that an Equality Impact Assessment is not necessary.

6. Regulatory Impact

6.1 These Regulations do not require a Regulatory Impact Assessment as they do not impose any new costs on business, charities or voluntary bodies.

7. Financial Implications

7.1 Any consequential impact on Treasury funded annually managed expenditure is expected to be minor, and any additional cost to the Departmental Expenditure Limit budget is expected to be negligible.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied that the Rule complies with that provision.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The corresponding Great Britain instrument is the Social Security (Removal of Two Child Limit) (Consequential Amendments) Regulations 2026[11] which come into force on 6th April 2026.

10.2 In line with the long-standing policy of parity in social security, this Rule will come into operation on the same date.

11. 21 Day Rule

11.1 This Statutory Rule could only be made and laid once the corresponding GB regulations had been made and laid. However, this could not happen until the Universal Credit (Removal of Two Child Limit) Bill received Royal Assent, which was not granted until 18 March 2026. The GB regulations were subsequently made and laid on 19th March. Consequently, the laying of this Statutory Rule will also

[11] S.I. 2026/316

breach the 21-day rule as it was not possible to bring the proposals forward earlier. Maintaining parity of timing and substance is essential to the operation of a single system of social security, pensions and child support provided for under section 87 of the Northern Ireland Act 1998.

12. Additional Information

12.1 Internal guidance for staff at the Department for Communities will be updated to take account of these changes.