STATUTORY RULES OF NORTHERN IRELAND

2021 No. 209

SOCIAL SECURITY

The Universal Credit (Coronavirus) (Restoration of the Minimum Income Floor) Regulations (Northern Ireland) 2021

Made - - - -	*9th July 2021*
Coming into operation -	*31st July 2021*

The Department for Communities (**a**) makes the following Regulations in exercise of the powers conferred by Articles 27(2) and 48(1) and (2) of, and paragraph 4(1), (3)(a) and (4) of Schedule 1 to, the Welfare Reform (Northern Ireland) Order 2015(**b**) and now vested in it(**c**).

Citation and commencement

1.—(1) These Regulations may be cited as the Universal Credit (Coronavirus) (Restoration of the Minimum Income Floor) Regulations (Northern Ireland) 2021 and come into operation on the 31st July 2021.

(2) In these Regulations—

(a) "the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016(**d**);

(b) "the Coronavirus Further Measures Regulations" means the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020(**e**)

and other words and expressions in these Regulations have the same meaning as in regulation 2 of the Coronavirus Further Measures Regulations.

Restoration of the minimum income floor

2.—(1) Regulation 2 (universal credit – minimum income floor) of the Coronavirus Further Measures Regulations is, apart from paragraph (1)(c) and (d) to continue to have effect up to and including 31st July 2022(**f**), subject to the following provisions.

(2) Where the MIF easement is being applied to a claimant on the coming into operation of these Regulations, the Department must, subject to paragraph (3), cease to apply that easement from the

(**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**) S.I 2015/2006 (N.I. 1)
(**c**) See Article 8(b) of S.R. 1999 No. 481. 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.))
(**d**) S.R. 2016 No. 216
(**e**) S.R 2020 No. 53
(**f**) By virtue of regulation 10 of those Regulations, as amended by S.R. 2020 No. 242 and S.R 2021 No. 67, regulation 2 otherwise ceases to have effect on the 31st July 2021.

assessment period**(a)** immediately after the assessment period in which the following conditions are met—

(a) the Department has determined that the claimant continues to be in gainful self-employment(**b**); and

(b) if the claimant was in a start-up period on the 13th March 2020(**c**) the same number of complete months of that period that remained on that date have elapsed since the determination in sub-paragraph (a).

(3) The Department may continue to apply the MIF easement after the assessment period in which the conditions mentioned in paragraph (2) are met, but only if it appears that the trade, profession or vocation carried on by the claimant remains adversely affected by the outbreak of coronavirus disease, and not for more than 2 consecutive assessment periods on a single occasion and not for more than 6 assessment periods in total.

(4) The Department may, if satisfied that economic conditions have sufficiently improved, determine that the MIF easement is no longer to apply to any claimant.

(5) The application of the MIF easement for a specific period in relation to a particular claimant by virtue of paragraph (2)(b) or (3) is not to be affected by the expiry of this regulation or by a determination of the Department under paragraph (4).

(6) References in this regulation to the MIF easement are to the individual threshold or the couple threshold in regulation 63 (minimum income floor) of the Universal Credit Regulations being treated as if it were a lesser amount (including zero) in accordance with regulation 2(1)(a) of the Coronavirus Further Measures Regulations.

Sealed with the Official Seal of the Department for Communities on 9th July 2021
(L.S.)

Anne McCleary
A senior officer of the Department for Communities

Explanatory Note

(This note is not part of the Regulations)

These Regulations provide for the further extension of three of the measures in regulation 2 of the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 53). The measures relate to the minimum income floor (MIF) in regulation 63 of the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216), which assumes that claimants who are "in gainful self-employment" have a minimum level of earnings for the purposes of calculating universal credit.

The three measures, which would otherwise expire on 31st July 2021, are extended until 31st July 2022.

These measures allow the Department (a) to treat the MIF as a lesser amount, including zero, ("the MIF easement"), (b) to delay a determination that the claimant is in gainful self-employment and (c) to except claimants from work search or work availability requirements which would otherwise apply in the absence of the MIF.

During the period of the extension, the application of the MIF easement is subject to the following further provisions.

(**a**) See Article 12(2) of the Welfare Reform (Northern Ireland) Order 2015 and regulation 22 of the Universal Credit Regulations (Northern Ireland) 2016 S.R. No. 216, for the meaning of "assessment period".

(**b**) See regulation 65 of the Universal Credit Regulations (Northern Ireland) 2016 for the meaning of "gainful self-employment".

(**c**) 13th March 2020 was the date on which regulation 4 (suspension of the minimum income floor) of the Employment and Support Allowance and Universal Credit (Coronavirus) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 33) came into operation. That regulation was replaced by regulation 2 of the Social Security (Coronavirus) (Further Measures) Regulations (Northern Ireland) 2020 (S.R. 2020 No. 53) from 30th March 2020.

Where the MIF easement is already being applied when these Regulations come into operation (that is in all cases where a claimant had been determined to be in gainful self-employment before a general suspension of the MIF was applied from 13th March 2020 by regulation 2 of S.R. 2020 No. 33) the Department must restore the MIF in the next assessment period after determining that the claimant continues to be in gainful self-employment or, if the claimant was in a 12 month start-up period on 13th March 2020, once the balance of the period remaining on that date has expired.

But the Department may still apply the MIF easement in certain limited circumstances. The claimant's business must remain affected by the outbreak of coronavirus disease and the MIF easement must not be applied for more than 2 assessment periods on each occasion and not for more than 6 assessment periods in total.

The Department may decide that no further reductions of the MIF are to be given if satisfied that economic conditions have sufficiently improved. Any period for which a reduction has already given will be allowed to expire.

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) 1998 (c.8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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