STATUTORY RULES OF NORTHERN IRELAND

2019 No. 3

SOCIAL SECURITY

The Universal Credit (Restriction on Amounts for Children and Qualifying Young Persons) (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2019

Made - - - -	*3.00 p.m. on 14th January 2019*
Laid before Parliament	*5.00 p.m. on 14th January 2019*
Coming into operation -	*1st February 2019*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by Articles 15(4) and 48(1) and (2) and paragraphs 1(1) and 3(1)(b) of Schedule 6 to the Welfare Reform (Northern Ireland) Order 2015(**a**) and Article 10(6) of the Welfare Reform and Work (Northern Ireland) Order 2016(**b**).

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

Citation and commencement

1.—(1) These Regulations may be cited as the Universal Credit (Restriction on Amounts for Children and Qualifying Young Persons) (Transitional Provisions) (Amendment) Regulations (Northern Ireland) 2019.

(2) These Regulations come into operation on 1st February 2019.

Amendment to the Universal Credit Regulations (Northern Ireland) 2016

2. In regulation 25A(3) of the Universal Credit Regulations (Northern Ireland) 2016(**c**) (availability of the child element where maximum exceeded) for "in the circumstances" to "Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016" substitute "if the child or qualifying young person was born before 6th April 2017."

(**a**) S.I. 2015/2006 (N.I. 1). Article 15(4) was amended by Article 10(4) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999 (N.I. 1)).
(**b**) S.I. 2016/999 (N.I. 1).
(**c**) S.R. 2016 No. 216. Regulation 25A was inserted by regulation 2(3) of S.R. 2017 No. 79.

Amendments to the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016

3.—(1) The Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**a**) are amended in accordance with paragraphs (2) and (3).

(2) Omit regulation 40 (restriction on claims for universal credit during the interim period).

(3) Omit regulation 41 (availability of the child element where maximum exceeded - transitionally protected children and qualifying young persons).

Consequential Amendments

4.—(1) The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017(**b**) is amended in accordance with paragraphs (2) and (3).

(2) In Article 8(1) (transitional provision where the Department determines that claims for universal credit may not be made: effect on claims for employment and support allowance and jobseeker's allowance) omit "or regulation 40 of those Regulations (restriction on claims for universal credit during the interim period)"(**c**).

(3) In Article 24(2) (transitional provision: claims for housing benefit, income support or a tax credit) omit "or 40"(**d**).

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

Alok Sharma
Minister of State for Employment
Department for Work and Pensions

14th January 2019 at 3.0 0 p.m.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 226) ("the UC Transitional Regulations NI"), the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) ("the UC Regulations NI") and Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017 (S.R. 2017 No. 190 (C. 11)) ("the No. 8 Order"). They simplify and extend the transitional protection for children and qualifying young persons born before 6th April 2017, the date when limits in relation to the child element in universal credit came into force.

Regulation 2 amends regulation 25A(3) of the UC Regulations NI by providing that transitional protection is available, in any claim, for a third or subsequent child or qualifying young person who was born before 6th April 2017.

Regulation 3 revokes regulation 40 of the UC Transitional Regulations NI, which contained a restriction on claims for universal credit during an "interim period" by claimants responsible for more than two children or qualifying young persons. Regulation 3 also revokes regulation 41 which set out the circumstances in which a child or qualifying young person was transitionally protected for the purposes of calculating the child element of a universal credit award under regulation 25A of the UC Regulations NI. During the interim period transitional protection was available for all children and qualifying young persons born before 6th April 2017 for whom the

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(**a**) S.R. 2016 No. 226; the relevant amending instrument is S.R. 2017 No. 79.
(**b**) S.R. 2017 No. 190 (C. 11).
(**c**) Article 8(1) was amended by regulation 3(2) of S.R. 2019 No. 2.
(**d**) Article 24(2) was amended by regulation 3(3) of S.R. 2019 No. 2.

claimant was responsible. But after the interim period ended that protection was not to apply to new claims.

Regulation 4 makes consequential amendments to the No. 8 Order to remove references to regulation 40 of the UC Transitional Regulations NI.

An impact assessment has not been produced for this instrument as it has no impact on business and civil society organisations. This instrument has no impact on the public sector.

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