STATUTORY RULES OF NORTHERN IRELAND

2019 No. 107 (C. 4)

SOCIAL SECURITY

The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions (Amendment)) Order 2019

Made - - - - 14th May 2019

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by Article 2(2), (3)(a) and (4) of the Welfare Reform (Northern Ireland) Order 2015(**a**).

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

Citation and interpretation

1.—(1) This Order may be cited as the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions (Amendment)) Order 2019.

(2) In this Order, "the No. 13 Order" means the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions and Commencement No. 8 and Transitional and Transitory Provisions (Amendment)) Order 2019(**b**).

Amendment of the No. 13 Order

2.—(1) The No. 13 Order is amended as follows.

(2) In Article 2—

(a) in paragraph (1)—

(i) before "the 2002 Act", insert—

""the 1992 Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**c**);";

(ii) omit the definition of "couple";

(b) after paragraph (1), insert—

"(1A) In this Order, "couple" has the meanings given by the 2002 Act(**d**), save—

(a) in reference to entitlement to housing benefit, where it has the meanings given by Part VII of the 1992 Act(**e**); and

(**a**) S.I. 2015/2006 (N.I. 1).
(**b**) S.R. 2019 No. 4 (C. 1).
(**c**) 1992 c. 7.
(**d**) *See* section 17(1) for the definitions of married and unmarried couple.
(**e**) *See* section 133(1) for the definitions of married and unmarried couple.

(b) in Article 7(3)(a), where it has the meaning given by Article 7(2)(b)(ii).";

(c) in paragraph (3), after "Article 6(2)" insert "and Article 8(2)(b)";

(d) in paragraph (4)(b)—

(i) at the start, insert "save in Article 7(3)(a),";

(ii) after "part of a", insert "mixed-age";

(iii) for "the claim being made, or the person" substitute "a person claiming or";

(iv) for "a person" substitute "the person"; and

(v) omit "(save in Article 7(3)) a member of".

(3) In Article 7—

(a) in the heading, before "polygamous marriages" insert "application of the rules in universal credit for treatment of couples and";

(b) in paragraph (1), for "party to a polygamous marriage" substitute "member of a mixed-age couple";

(c) for paragraph (2) substitute—

"(2) For the purposes of paragraph (3)—

(a) all secondary legislation relevant to assessment of entitlement to state pension credit or housing benefit applies so that claims and awards may be made in respect of the party specified in paragraph (3)(a) or (b) as a part of a couple or as a single person respectively; and

(b) the following rules in regulation 3 of the Universal Credit Regulations (Northern Ireland) 2016 apply—

(i) the rule in paragraph (2) (treatment of certain couples), which establishes that a member of a couple may make a claim as a single person;

(ii) the rule in paragraph (3) (treatment of polygamous marriages), which establishes that two of the parties to a polygamous marriage are to be treated as a couple and the remaining party (or parties) as a single person (or single persons);

(iii) the rule in paragraph (5) (absence from the household), which establishes that members of a couple may cease to be treated as a couple.";

(d) in paragraph (3)—

(i) in sub-paragraph (a), for "(2)(a)" substitute "(2)(b)(ii)";

(ii) in sub-paragraph (b), for "(2)(a)" substitute "(2)(b)(i) to (iii)".

(4) After Article 7 insert—

"**Transitional provision: where restrictions on claims for universal credit are in place**

8.—(1) This Article applies to a member of a mixed-age couple who, further to Articles 3 to 7, is excluded from entitlement to state pension credit or housing benefit, and is also prevented from claiming universal credit by virtue of—

(a) regulation 2A of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (claims for universal credit may not be made in an area or category of case)(**a**);

(b) regulation 2B of those Regulations (restriction on claims for universal credit by persons entitled to a severe disability premium)(**b**); or

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(**a**) S.R, 2016 No. 226; regulation 2A was inserted by regulation 12(2) of S.R. 2017 No. 116.

(**b**) Regulation 2B was inserted by regulation 2(3) of S.R. 2019 No. 2.

(c) Article 2(11) of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 14 and Savings and Transitional Provisions) Order 2019 (no claims for universal credit by frontier workers)(**a**).

(2) Where this Article applies, the member of the mixed-age couple who has attained the qualifying age for state pension credit is, for the purposes of an award of benefit referred to in the following sub-paragraphs to that member, to be treated as—

(a) meeting the basic condition of entitlement (upper age limit) for—

(i) income support, in section 123(1)(aa) of the 1992 Act(**b**);

(ii) a jobseeker's allowance, in Article 3(2)(h) of the 1995 Order, or

(iii) an employment and support allowance, in section 1(3)(c) of the 2007 Act; and

(b) not having attained that age for housing benefit, for the purposes of regulation 5 of the Housing Benefit Regulations (Northern Ireland) 2006(**c**) and regulation 5 of the Housing Benefit SPC Regulations, so that the Housing Benefit Regulations (Northern Ireland) 2006 apply to the assessment of the award.

(3) This Article continues to apply until the award of benefit referred to in paragraph (2)(a) or (b) terminates, regardless of whether paragraph (1)(a), (b) or (c) continues to apply throughout the award.

(4) Where a member of a mixed-age couple who has attained the qualifying age for state pension credit is entitled to income support by virtue of paragraph (2)(a)(i), references to a claimant's partner in paragraphs 9 and 9A (conditions for pensioner premium)(**d**) and in paragraph 10 (condition for higher pensioner premium)(**e**) of Schedule 2 to the Income Support (General) Regulations 1987(**f**) have effect as though they were references to the claimant.

(5) In this Article—

"the 1995 Order" means the Jobseekers (Northern Ireland) Order 1995(**g**);

"the 2007 Act" means the Welfare Reform Act (Northern Ireland) 2007(**h**);

"employment and support allowance" means an employment and support allowance under Part 1 of the 2007 Act as it has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related employment and support allowance;

"income support" has the same meaning as in Part VII of the 1992 Act;

"jobseeker's allowance" means a jobseeker's allowance under the 1995 Order as it has effect apart from the amendments made by Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-based jobseeker's allowance.".

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

Guy Opperman
Parliamentary Under Secretary of State
Department for Work and Pensions

14th May 2019

(**a**) S.R. 2019 No. 7 (C. 2).
(**b**) Section 123(1)(aa) was inserted by paragraph 2(a) of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002.
(**c**) S.R. 2006 No. 405.
(**d**) Paragraph 9 was substituted by regulation 5(a) of S.R. 1989 No. 139 and amended by regulation 24(5)(a) of S.R. 2003 No. 191 and regulation 2(2)(a) of S.R. 2010 No. 103; paragraph 9A was substituted by regulation 5(a) of S.R. 1989 No. 191 and amended by 24(5)(b) of S.R. 2003 No. 191.
(**e**) Sub-paragraph (1) of paragraph 10 was substituted by regulation 24(5)(c)(i) of SR 2003 No. 191 and amended by regulation 2(a) of S.R. 2003 No. 413, regulation 2(7)(b)(i) of S.R. 2007 No. 154 and regulation 2(2)(b) of S.R. 2010 No. 103; sub-paragraph (5) was added by regulation 2(7)(b)(iii) of S.R. 2007 No. 154.
(**f**) S.R. 1987 No. 459.
(**g**) S.I. 1995/2705 (N.I. 15).
(**h**) 2007 c. 2 (N.I.).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions and Commencement No. 8 and Transitional and Transitory Provisions (Amendment)) Order 2019 (S.R. 2019 No. 4 (C. 1)).

The amendments are technical in nature and provide for the availability of benefit where universal credit is or would be unavailable to a member of a mixed-age couple of state pension credit qualifying age.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.R. number*
Article 6 (partially)	27th September 2017	2017 No. 190
Article 6 (partially)	15th November 2017	2017 No. 216
Article 6 (partially)	13th December 2017	2017 No. 216
Article 6 (partially)	17th January 2018	2018 No. 1
Article 6 (partially)	7th February 2018	2018 No. 1
Article 6 (partially)	21st February 2018	2018 No. 1
Article 6 (partially)	7th March 2018	2018 No. 1
Article 6 (partially)	16th May 2018	2018 No. 97
Article 6 (partially)	30th May 2018	2018 No. 97
Article 6 (partially)	13th June 2018	2018 No. 97
Article 6 (partially)	27th June 2018	2018 No. 97
Article 6 (partially)	5th September 2018	2018 No. 138
Article 6 (partially)	19th September 2018	2018 No. 138
Article 6 (partially)	3rd October 2018	2018 No. 138
Article 6 (partially)	17th October 2018	2018 No. 138
Article 6 (partially)	31st October 2018	2018 No. 138
Article 6 (partially)	14th November 2018	2018 No. 138
Article 6 (partially)	5th December 2018	2018 No. 138
Article 6 (partially)	1st February 2019	2019 No. 7
Article 7 (partially)	2nd May 2016	2016 No. 215
Article 7 to 29 (partially)	As Article 6	As Article 6
Articles 9 to 17 (partially)	2nd May 2016	2016 No. 215
Articles 18 to 27 (partially)	2nd May 2016	2016 No. 215
Article 29 (partially)	2nd May 2016	2016 No. 215
Article 30	2nd May 2016	2016 No. 215
Articles 31 and 32 (partially)	2nd May 2016	2016 No. 215
Articles 31 and 32 (partially)	As Article 6	As Article 6
Article 33	2nd May 2016	2016 No. 215
Article 34 and 35	27th September 2017	2017 No. 190
Articles 36 to 38	2nd May 2016	2016 No. 215
Article 37	15th May 2019	2019 No. 4
Article 39 (partially)	2nd May 2016	2016 No. 215
Article 39 (partially)	As Article 6	As Article 6
Articles 41 and 42	2nd May 2016	2016 No. 215
Article 43 (partially)	2nd May 2016	2016 No.215
Article 43 (remaining)	27th September 2017	2017 No. 190
Article 44	27th September 2017	2017 No. 190

Provision	*Date of Commencement*	*S.R. number*
Articles 45 to 47 (partially)	2nd May 2016	2016 No. 215
Articles 45 and 46 (remaining)	27th September 2017	2017 No. 190
Articles 48 and 49	2nd May 2016	2016 No. 215
Article 50 (partially)	2nd May 2016	2016 No. 215
Article 50 (partially)	27th September 2017	2017 No. 190
Article 51 and 52 (partially)	1st June 2016	2016 No. 234
Article 51 and 52 (remaining)	27th September 2017	2017 No. 190
Article 53	17th February 2016	2016 No. 46
Article 54	2nd May 2016	2016 No. 215
Article 55 (partially)	2nd May 2016	2016 No. 215
Article 55 (partially)	27th September 2017	2017 No. 190
Article 56	17th February 2016	2016 No. 46
Article 57 (partially)	17th March 2016	2016 No. 46
Article 57 (remaining)	28th November 2016	2016 No. 46
Article 58	28th November 2016	2016 No. 46
Article 59	17th February 2016	2016 No. 46
Article 60 (partially)	2nd May 2016	2016 No 215
Article 60 (partially)	27th September 2017	2017 No. 190
Article 61	27th September 2017	2017 No. 190
Article 62	1st June 2016	2016 No. 234
Article 63 (partially)	2nd May 2016	2016 No. 215
Article 63 (partially)	27th September 2017	2017 No. 190
Article 64	16th January 2017	2016 No. 46
Article 70 (partially)	1st June 2016	2016 No. 234
Article 70 (remaining)	31st October 2016	2016 No. 234
Article 71	31st October 2016	2016 No. 234
Article 72 (partially)	2nd May 2016	2016 No. 215
Article 72 (partially)	1st June 2016	2016 No. 234
Articles 73 and 74	31st October 2016	2016 No. 234
Article 76 (partially)	31st March 2017	2016 No. 411
Article 76 (partially)	28th November 2016	2016 No. 411
Article 77 to 79	17th February 2016	2016 No. 46
Articles 82 to 84 (partially)	2nd May 2016	2016 No. 215
Articles 82 to 84 (remaining)	20th June 2016	2016 No. 215
Articles 85 and 86	2nd May 2016	2016 No. 215
Article 87	20th June 2016	2016 No. 215
Article 88 (partially)	2nd May 2016	2016 No. 215
Article 88 (remaining)	20th June 2016	2016 No. 215
Articles 89 to 91	2nd May 2016	2016 No. 215
Article 92 (partially)	2nd May 2016	2016 No. 215
Article 92 (remaining)	20th June 2016	2016 No. 215
Articles 93 and 94	20th June 2016	2016 No. 215
Articles 96 to 99	2nd May 2016	2016 No. 215
Article 100 (partially)	2nd May 2016	2016 No. 215
Article 100 (remaining)	20th June 2016	2016 No. 215
Articles 101 and 102	17th February 2016	2016 No. 46
Articles 103 to 106	2nd May 2016	2016 No. 215
Article 107 (partially)	17th March 2016	2016 No. 166
Article 108	2nd May 2016	2016 No. 215
Article 109 (partially)	4th April 2016	2016 No. 46
Article 109 (partially)	2nd May 2016	2016 No. 215
Article 109 (partially)	20th June 2016	2016 lNo. 215

Provision	*Date of Commencement*	*S.R. number*
Article 109 (remaining)	27th September 2017	2017 No. 190
Articles 110 (partially)	2nd May 2016	2016 No. 215
Article 110 (remaining)	20th June 2016	2016 No. 215
Articles 111 to 113	17th February 2016	2016 No. 46
Articles 115 and 116	4th April 2016	2016 No. 46
Articles 117 and 118 (partially)	2nd May 2016	2016 No. 215
Articles 120 to 125	17th February 2016	2016 No. 46
Article 127 (partially)	17th February 2016	2016 No. 46
Articles 129 to 133	17th February 2016	2016 No. 46
Article 134	27th September 2017	2017 No. 190
Articles 135 to 140	17th February 2016	2016 No. 46
Schedule 1 (partially)	2nd May 2016	2016 No. 215
Schedule 2 (partially)	2nd May 2016	2016 No. 215
Schedule 2 (partially)	10th July 2017	2017 No. 118
Schedule 2 (partially)	27th September 2017	2017 No. 190
Schedule 2 (partially)	15th May 2019	2019 No. 4
Schedule 3 (partially)	2nd May 2016	2016 No. 215
Schedule 3 (partially)	As Article 6	As Article 6
Schedule 5 (partially)	2nd May 2016	2016 No. 215
Schedule 6	2nd May 2016	2016 No. 215
Schedule 7 (partially)	2nd May 2016	2016 No. 215
Schedule 7 (partially)	1st June 2016	2016 No. 234
Schedule 7 (partially)	27th September 2017	2017 No. 190
Schedule 8 (partially)	28th November 2016	2016 No. 411
Schedule 8 (partially)	31st March 2017	2016 No. 411
Schedule 8 (remaining)	27th September 2017	2017 No. 190
Schedule 9 (partially)	2nd May 2016	2016 No. 215
Schedule 9 (partially)	20th June 2016	2016 No. 215
Schedule 10	2nd May 2016	2016 No. 215
Schedule 11 (partially)	17th March 2016	2016 No. 166
Schedule 12 (partially)	28th November 2016	2016 No. 411
Schedule 12 (partially)	31st March 2017	2016 No. 411
Schedule 12 (partially)	17th February 2016	2016 No. 46
Schedule 12 (partially)	31st October 2016	2016 No. 234
Schedule 12 (partially)	27th September 2017	2017 No. 190
Schedule 12 (partially)	As Article 6	As Article 6

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