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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 221**

The Universal Credit, Personal Independence  
Payment, Jobseeker's Allowance and Employment  
and Support Allowance (Decisions and  
Appeals) Regulations (Northern Ireland) 2016

PART 8

Consequential amendments

**Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations**

**54.**—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999<sup>(1)</sup> are amended in accordance with paragraphs (2) to (8).

(2) In regulation 1 (citation, commencement and interpretation)—

- (a) in the heading after “commencement” insert “, application”;
- (b) after paragraph (1) insert—

“(1A) In so far as Parts II and III and regulations 25 to 30 relate to—

- (a) an employment and support allowance payable under the Welfare Reform Act, they shall apply only so far as that Act has effect apart from the amendments made by Schedule 3 and Part 1 of Schedule 12 to the Welfare Reform (Northern Ireland) Order 2015 (“the 2015 Order”) (removing references to an income-related allowance);
- (b) a jobseeker's allowance payable under the Jobseeker's Order, they shall apply only in so far as that Order has effect apart from the amendments made by Part 1 of Schedule 12 to the 2015 Order (removing references to an income-based allowance).

(1B) Parts II and III and regulations 25 to 30 shall not apply to universal credit (within the meaning of Part 2 of the 2015 Order) or personal independence payment (within the meaning of Part 5 of that Order).”;

(c) in paragraph (2)—

(i) after the definition of “the Welfare Reform Act”<sup>(2)</sup> insert—

““the 2016 Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016;”

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(1) S.R. 1999 No. 162; relevant amending Regulations are S.R. 1999 No. 272, S.R. 2000 No. 215, S.R. 2002 No. 189, S.R. 2003 No. 224 and S.R. 2008 Nos. 286 and 490.

(2) The definition of “Welfare Reform Act” was inserted by regulation 22(2)(a) of S.R. 2008 No. 286.

- (ii) in the definition of “out of jurisdiction appeal”<sup>(3)</sup> after paragraph (b) add—
- “(c) prescribed in regulation 49(2) of the 2016 Regulations.”.
- (3) In regulation 31(1)(a)<sup>(4)</sup> (time within which appeals are to be brought) after “regulation 9A(3)” insert “or, as the case may be, regulation 38(4) of the 2016 Regulations”.
- (4) In regulation 36<sup>(5)</sup> (composition of appeal tribunals)—
- (a) in paragraph (6) after “of that Act” insert “or a personal independence payment under Part 5 of the Welfare Reform (Northern Ireland) Order 2015”;
- (b) in paragraph (7)—
- (i) in the definition of “determination of limited capability for work-related activity” after “Allowance Regulations” insert “or, as the case may be, regulations 30 and 31 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”;
- (ii) in the definition of “limited capability for work assessment” after “Allowance Regulations” insert “or, as the case may be, regulation 2 of the Employment and Support Allowance Regulations (Northern Ireland) 2016”.
- (5) In regulation 38(2) and (3) (consideration and determination of appeals and referrals), after “these Regulations” insert “or the 2016 Regulations”.
- (6) In regulation 38A(4)<sup>(6)</sup> (appeals raising issues for decision by officers of the Inland Revenue), after “11A(5)” insert “or, as the case may be, regulation 42(5) of the 2016 Regulations”.
- (7) In regulation 41<sup>(7)</sup> (medical examination required by appeal tribunal)—
- (a) at the end of sub-paragraph (iv) of paragraph (a) omit “or”;
- (b) after sub-paragraph (vi) of paragraph (a) add—
- “(vii) the daily living component of personal independence payment specified in Article 83 of the Welfare Reform (Northern Ireland) Order 2015, or
- (viii) the mobility component of personal independence payment specified in Article 84 of that Order.”;
- (c) after paragraph (j) add—
- “(k) is the rate at which the daily living component or mobility component of personal independence payment (within the meaning of Article 83 or 84, as the case may be, of the Welfare Reform (Northern Ireland) Order 2015) is payable;”.
- (8) After regulation 45 insert—
- “**45A.** In this Chapter, “claimant” includes a claimant within the meaning of regulation 2 of the 2016 Regulations.”.

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(3) The definition of “out of jurisdiction appeal” was substituted by regulation 3(2) of S.R. 2003 No. 224.

(4) Regulation 31(1)(a) was substituted by regulation 2(8) of S.R. 2002 No. 189.

(5) Regulation 36(6) was amended by regulation 6(11)(f) of S.R. 2000 No. 215 and regulation 36(7) was substituted by regulation 2(2)(b) of S.R. 2008 No. 490.

(6) Regulation 38A was inserted by regulation 2(4) of S.R. 1999 No. 272.

(7) Regulation 41 was amended by regulation 2(5) of S.R. 1999 No. 272 and regulation 2(3) of S.R. 2008 No. 490.