
Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, PART 2 is up to date with all changes known to be in force on or before 23 April 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

EMPLOYMENT AND SUPPORT ALLOWANCE: ADDITIONAL CONDITIONS

[^{F1}PART 2

INCOME-RELATED ALLOWANCE

Annotations:**Amendments (Textual)**

- F1** Sch. 1 Pt. 2 repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5)

6.—(1) The conditions are that the claimant—

- (a) has an income which does not exceed the applicable amount or has no income;
- (b) does not have capital which, or a prescribed part of which, exceeds the prescribed amount;
- (c) is not entitled to state pension credit;
- (d) is not a member of a couple the other member of which is entitled to an income-related allowance, state pension credit, income support or an income-based jobseeker's allowance;
- (e) is not engaged in remunerative work;
- (f) is not a member of a couple the other member of which is engaged in remunerative work;
- (g) is not receiving education.

(2) Where the claimant is a member of a couple, the income and capital of the other member of the couple shall, except in prescribed circumstances, be treated for the purpose of this paragraph as income and capital of the claimant.

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(3) Regulations may prescribe circumstances in which, for the purposes of sub-paragraph (1)(e) and (f)—

- (a) a person who is not engaged in remunerative work is to be treated as engaged in remunerative work, or
- (b) a person who is engaged in remunerative work is to be treated as not engaged in remunerative work.

(4) Regulations may—

- (a) make provision about when, for the purposes of sub-paragraph (1)(g), a person is, or is not, to be treated as receiving education;
- (b) prescribe circumstances in which sub-paragraph (1)(g) does not apply.

(5) In this paragraph—

“applicable amount” means the amount which, in the claimant's case, is the applicable amount for the purposes of section 4(1);

“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other, but are living together as husband and wife otherwise than in prescribed circumstances;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other, but are living together as if they were civil partners otherwise than in prescribed circumstances;

“income-based jobseeker's allowance” has the same meaning as in the Jobseekers Order;

(6) For the purposes of this paragraph, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.

(7) Regulations may make provision for the preceding provisions of this paragraph to have effect with prescribed modifications in a case where—

- (a) the claimant is a husband or wife by virtue of a marriage entered into under a law which permits polygamy,
- (b) either party to the marriage has for the time being any spouse additional to the other party, and
- (c) the claimant, the other party to the marriage and the additional spouse are members of the same household.

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(8) Regulations may make provision for the purposes of this paragraph as to circumstances in which people are to be treated as being or not being members of the same household.]

Annotations:

Modifications etc. (not altering text)

- C1** Sch. 1 para. 6(1)(g) referred to (27.10.2008) by [Employment and Support Allowance Regulations \(Northern Ireland\) 2008 \(S.R. 2008/280\)](#), regs. 1(1), **15** (subject to reg. 18)
- C2** Sch. 1 para. 6(1)(g) excluded (27.10.2008) by [Employment and Support Allowance Regulations \(Northern Ireland\) 2008 \(S.R. 2008/280\)](#), regs. 1(1), **18**

Commencement Information

- II** Sch. 1 para. 6 wholly in operation at 27.10.2008; Sch. 1 para. 6 not in operation at Royal Assent see s. 60(1); Sch. 1 para. 6(1)(b)(2)-(4)(7)(8) in operation for certain purposes at 1.7.2008 and wholly in operation at 27.10.2008 by [S.R. 2008/276](#), **art. 2(2)(c)**, [Sch. Pt. 1](#); Sch. 1 para. 6(5) in operation for certain purposes at 1.7.2008 and 27.10.2008 by [S.R. 2008/276](#), **art. 2(2)(c)**, [Sch. Pt. 1](#); Sch. 1 para. 6 in operation at 27.10.2008 in so far as not already in operation by [S.R. 2008/276](#), **art. 2(2)(d)**, [Sch. Pt. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision [2010 c. 13 \(N.I.\) s. 25\(2\)](#) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)