

Status: Point in time view as at 16/01/2017.

Changes to legislation: Welfare Reform Act (Northern Ireland) 2010 is up to date with all changes known to be in force on or before 26 August 2023. 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

PROSPECTIVE

^{F1}SCHEDULE 1

Section 4.

AMENDMENTS CONNECTED TO SECTION 4

Textual Amendments

F1 Sch. 1 repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 12 Pt. 2**; S.R. 2016/46, art. 3(6)(b)

PART 1

AMENDMENTS OF JOBSEEKERS (NORTHERN IRELAND) ORDER 1995

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PART 2

AMENDMENTS OF OTHER STATUTORY PROVISIONS

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PROSPECTIVE

SCHEDULE 2

Section 9.

ABOLITION OF INCOME SUPPORT: CONSEQUENTIAL AMENDMENTS

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

1 In section 72 of the Administration Act (income support and other payments), in the title, for “Income support” substitute “Income-based jobseeker's allowance”.

The Jobseekers (Northern Ireland) Order 1995 (NI 15)

2 The Jobseekers Order is amended as follows.

3 In Article 4(1) (the contribution-based conditions), at the end of subparagraph (b) insert “and”.

4 In Article 5A(1)(c) (the conditions for claims by joint-claim couples), for “any such family” substitute “a family of which the couple are members”.

The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)

5 In section 53(2) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (loss of benefit for breach of community order), for “subsections (3) to” substitute “subsections (4) and”.

The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)

6 The 2001 Act is amended as follows.

7 In section 5B(5) (loss of benefit in case of conviction, penalty or caution for benefit offence), which is inserted by section 19, for “subsections (6)” substitute “subsections (7)”.

8 In section 6(2) (loss of benefit for commission of benefit offences), for “subsections (3) to” substitute “subsections (4) and”.

The Age-Related Payments (Northern Ireland) Order 2004 (NI 11)

9 In Article 4(3)(b) of the Age-Related Payments (Northern Ireland) Order 2004 (entitlement: basic cases), at the end of head (i) insert “or”.

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SCHEDULE 3

Section 19.

LOSS OF BENEFIT PROVISIONS: FURTHER AMENDMENTS

PART 1FURTHER AMENDMENTS OF SOCIAL SECURITY
FRAUD ACT (NORTHERN IRELAND) 2001

1.—(1) Section 6 of the 2001 Act (loss of benefit for commission of benefit offences) is amended as follows.

(2) In subsection (8)—

(a) after the definition of “benefit offence” insert—

““post-commencement offence” means an offence committed on or after 1 April 2002 (the day on which this section came into operation).”, an

(b) omit the definitions of “disqualifying benefit” and “sanctionable benefit”.

(3) In subsection (9) for paragraph (b) substitute—

“(b) references to a conviction include references to a conviction in relation to which the court makes an order for absolute or conditional discharge and to a conviction in Great Britain (including a conviction in relation to which a court in Scotland makes a probation order or an order for absolute discharge without proceeding to a conviction).”.

(4) In the heading, for “commission of benefit offences” substitute “second or subsequent conviction of benefit offence”.

2.—(1) Section 7 of the 2001 Act (effect of offence on joint-claim jobseeker's allowance) is amended as follows.

(2) In subsection (1)(b), for “the restriction in subsection (2) of section 6” substitute “an offence-related restriction”.

(3) After subsection (1) insert—

“(1A) In this section—

(a) “an offence-related restriction” means the restriction in subsection (5) of section 5B or the restriction in subsection (2) of section 6, and

(b) in relation to an offence-related restriction, any reference to the relevant period is a reference to a period which is the disqualification period for the purposes of section 5B or 6, as the case requires.”.

(4) In subsection (2)—

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- (a) for “the disqualification period” substitute “ the relevant period ”,
 - (b) in paragraph (a), for “the restriction in subsection (2) of section 6” substitute “ an offence-related restriction ”, and
 - (c) in paragraph (b), for “that restriction” substitute “ an offence-related restriction ”.
- (5) In subsection (3)—
- (a) for “the disqualification period” substitute “ the relevant period ”, and
 - (b) in paragraph (b), for “convictions section 6” substitute “ conduct section 5B or 6 ”.
- (6) In subsection (4), for “the disqualification period” substitute “ the relevant period ”.
- (7) After subsection (6) add—
- “ (7) Where, after the agreement of any member of a couple (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section—
- (a) M's agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, o
 - (b) it is decided on an appeal or in accordance with regulations under the Social Security (Northern Ireland) Order 1998 or the Social Security Act 1998 that the overpayment to which the agreement relates is not recoverable or due,
- all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed had M not agreed to pay the penalty.
- (8) Where, after the agreement (“the old agreement”) of any member of a couple (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, the amount of the overpayment to which the penalty relates is revised on an appeal or in accordance with regulations under the Social Security (Northern Ireland) Order 1998 or the Social Security Act 1998—
- (a) if there is a new disqualifying event for the purposes of section 5B consisting of M's agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment or M being cautioned in relation to the offence to which the old agreement relates, the new disqualification period for the purposes of section 5B falls to be determined in accordance with section 5C(4)(a), and

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(b) in any other case, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed by or under this section that could not have been imposed had M not agreed to pay the penalty.

(9) In this section “the appropriate penalty provision” has the meaning given by section 5B(2)(a).”.

3.—(1) Section 8 of the 2001 Act (effect of offence on benefits for members of offender's family) is amended as follows.

(2) In subsection (2)(b), for “section 6” substitute “ section 5B or 6 ”.

(3) After subsection (6) add—

“(7) Where, after the agreement of any member of a person's family (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section—

(a) M's agreement to pay the penalty is withdrawn under subsection (5) of the appropriate penalty provision, or

(b) it is decided on an appeal or in accordance with regulations under the Social Security (Northern Ireland) Order 1998 or the Social Security Act 1998 that the overpayment to which the agreement relates is not recoverable or due,

all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed that could not have been imposed had M not agreed to pay the penalty

(8) Where, after the agreement (“the old agreement”) of any member of a person's family (“M”) to pay a penalty under the appropriate penalty provision is taken into account for the purposes of any restriction imposed by virtue of any regulations under this section, the amount of the overpayment to which the penalty relates is revised on an appeal or in accordance with regulations under the Social Security (Northern Ireland) Order 1998 or the Social Security Act 1998—

(a) if there is a new disqualifying event for the purposes of section 5B consisting of M's agreement to pay a penalty under the appropriate penalty provision in relation to the revised overpayment or M being cautioned in relation to the offence to which the old agreement relates, the new disqualification period for the purposes of section 5B falls to be determined in accordance with section 5C(4)(a), and

(b) in any other case, all such payments and other adjustments shall be made as would be necessary if no restriction had been imposed

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by or under this section that could not have been imposed had M not agreed to pay the penalty.

(9) In this section “the appropriate penalty provision” has the meaning given by section 5B(2)(a).”.

4.—(1) Section 9 of the 2001 Act (power to supplement and mitigate loss of benefit provisions) is amended as follows.

(2) In subsection (1), for “sections 6 to 8” substitute “ sections 5A to 8 ”.

(3) In subsection (2), after “section” insert “ 5B, ”.

5.—(1) Section 10 of the 2001 Act (loss of benefit regulations) is amended as follows.

(2) In subsections (1) and (2), for “sections 6 to 9” substitute “ sections 5B to 9 ”.

(3) In subsection (3)—

(a) in paragraph (a), after “section” insert “ 5B or ”,

(b) in paragraph (b), after “section” insert “ 5B(6), ”, and

(c) in paragraph (c), after “section” insert “ 5B(7), (8), (9) or (10), ”.

(4) In subsections (4) and (5), for “sections 6 to 9” substitute “ sections 5B to 9 ”.

6.—(1) Section 12 of the 2001 Act (interpretation of sections 6 to 11) is amended as follows.

(2) For the words “sections 6 to 11”, both in the section and in the heading to the section, substitute “ sections 5A to 11 ”.

(3) After the definition of “benefit” insert—

““cautioned”, in relation to any person and any offence, means cautioned after the person concerned has admitted the offence;”

(4) Omit the definitions of “disqualification period” and “post-commencement offence”.

(5) In the definition of “sanctionable benefit”, for “section 6(8)” substitute “ section 5A ”.

PART 2

RELATED AMENDMENTS OF OTHER STATUTORY PROVISIONS

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

7 In section 149 of the Administration Act (functions of Social Security Advisory Committee in relation to the relevant enactments), in subsection (5) in the

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definition of the “relevant enactments”, in paragraph (ag), for “sections 6 to 10” substitute “ sections 5A to 10 ”.

The Social Security (Northern Ireland) Order 1998 (NI 10)

8 In paragraph 3 of Schedule 3 to the 1998 Order (decisions against which an appeal lies), in paragraph (f), after “section” insert “ 5B, ”.

SCHEDULE 4

Section 34.

REPEALS

PROSPECTIVE

PART 1

ABOLITION OF INCOME SUPPORT

Short Title	Extent of repeal
The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35)	In section 10(2)(e), the words “, section 101 of the Social Security Administration (Northern Ireland) Act 1992”.
The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (NI 8)	In Article 3(1)(b), the words “income support or”. In Article 7(2), the words “income support or”. In Article 14(5), the words “income support or”.
The Education Reform (Northern Ireland) Order 1989 (NI 20)	In Article 131(3)(b), the words “income support,”.
The Child Support (Northern Ireland) Order 1991 (NI 23)	In Article 2(2), the definition of “income support”. In Article 9(1), the words “income support,”. In Article 43(11), the words “income support,”.

The repeals made by this Part of this Schedule have effect in accordance with provision made by an order under section 9.

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	In Article 44(2)(b), the words “income support,”.
	In Schedule 1 (as it has effect apart from the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), in paragraph 5(4), the words “income support,”.
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	Section 122(1)(a) and (2). Section 123. Sections 125 and 126. In section 131(5), the words “income support and”.
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 2A(2)(a). Section 2AA(2)(a). Section 2D(1), (3)(a), (8), (9)(b) and (10). Section 2E(2)(a). Section 5(2)(b). In section 13A— (a) in subsection (1), the words “income support” in each place, and (b) in subsection (4), in the definition of “qualifying associate”, the words “income support,” and, in the definition of “relevant benefits”, paragraph (b). Section 69(11)(b). In section 72— (a) in subsections (1)(b) and (2)(b), the words “income support,”, (b) in subsections (3)(b)(i) and (ii), the words “income support or”, (c) in subsection (3)(c), the words “the income support or”, (d) in subsection (3), in the words following paragraph (c), the words “income support” and the words “the income support or”. In section 72A(7), the words “income support,”.

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	In section 74(6)(d), the words “income support or”.
	In section 100(1)(b), the words “income support or”.
	Section 101.
	Section 103.
	In section 119(1), the words “income support,”.
	Section 139 and 140.
	Section 155(5)(a).
	In section 167(1), in the definition of “income-related benefit”, paragraph (a).
The Family Law (Northern Ireland) Order 1993 (NI 6)	Article 10.
The Children (Northern Ireland) Order 1995 (NI 2)	In Article 2(2), the definition of “income support”.
	In Article 18(9), the words “income support,”.
	In Article 18C(7)(b), the words “income support,”.
	In Article 24(3), the words “income support,”.
	In Article 39(4), the words “income support,”.
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	Article 3A(6).
	In Article 4(1), sub-paragraph (d) (together with the “and” immediately before it).
	In Article 5—
	(a) in paragraph (1)(b), the words “income support or”, and
	(b) paragraph (1)(c).
	Article 5A(1)(b).
	In Article 18(1)(a)(ii), the words “or to income support”.
	In Article 28—
	(a) in paragraph (1), the words “or to income support”,

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	<ul style="list-style-type: none"> (b) in paragraph (3), the words “or (as the case may be) income support”, (c) in paragraph (4)(d), the words “and periods of entitlement to income support”, (d) in paragraph (4)(e), the words “wholly by way of income support or”, and (e) in paragraph (4)(1), the words “or to income support”.
	In Article 30(1), the words “or income support”.
	Article 32.
	In Article 39(2)(a) and (b), the words “or income support”.
	In Schedule 2, paragraphs 13 to 15.
The Road Traffic (Northern Ireland) Order 1995 (NI 18)	In Article 25(2)(b), the words “income support,”.
The Industrial Tribunals (Northern Ireland) Order 1996 (NI 18)	In Article 18(3)(a) and (c) and (4)(e), the words “or income support”.
	In Article 18(4)(d), the words “or of income support”.
	In Article 19(1), the words “or income support” in both places and the words “or V”.
The Social Security (Northern Ireland) Order 1998 (NI 10)	Article 9(3)(c).
	In Article 34(3), the words “, income support”.
	Article 73(8)(d).
	In Schedule 2—
	<ul style="list-style-type: none"> (a) paragraph 6(b)(i), and (b) in paragraph 7, the words “income support or” and the words “140(2) or”.
	In Schedule 6, paragraphs 73 and 75.
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	In Schedule 7, paragraph 15.
	In Schedule 8, paragraph 26.

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The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)	<p>In section 3, the words “income support,” in substituted Article 9(1) of the Child Support (Northern Ireland) Order 1991.</p> <p>In section 18, the words “income support or”, in substituted Article 43(10) of the Child Support (Northern Ireland) Order 1991.</p> <p>In section 53(8)—</p> <p>(a) paragraph (a) of the definition of “relevant benefit”; and</p> <p>(b) the words “(other than income support)” in paragraph (c) of the definition of “relevant benefit”.</p>
The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)	<p>Section 5B(6).</p> <p>Section 6(3).</p> <p>Section 8(1)(a) and (3).</p> <p>Section 10(3)(b).</p>
The Children (Leaving Care) Act (Northern Ireland) 2002 (c. 11)	<p>In section 6(1), the words “income support or”.</p>
The State Pension Credit Act (Northern Ireland) 2002 (c. 14)	<p>In Schedule 2, paragraph 2.</p>
The Income Tax (Earnings and Pensions) Act 2003 (c. 1)	<p>In Schedule 6, paragraph 200.</p> <p>In Schedule 6, paragraph 226(2), the words “income support or” in new section 128(3)(ce) of the Finance Act 1995.</p>
The Civil Partnership Act 2004 (c. 33)	<p>In Schedule 24, paragraphs 96 to 98, 115 and 136.</p>
The Age-Related Payments (Northern Ireland) Order 2004 (NI 11)	<p>In Article 4(3)(b), head (iii) (together with the “or” immediately before it).</p> <p>In Article 4(5), the definition of “income support” (together with the word “and” immediately before it).</p>
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	<p>In section 1(3), paragraph (e) (but not the “and” at the end of it).</p> <p>In section 24(1), the definition of “income support”.</p> <p>Section 39(3)(a).</p>

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	In Schedule 1, in paragraph 6(1)(d), the words “, income support”.
	In Schedule 3, paragraph 3(9) and (10).
The Pensions Act (Northern Ireland) 2008 (c. 1)	In Schedule 1, paragraph 23.
The Child Maintenance Act (Northern Ireland) 2008 (c. 10)	In Schedule 4, paragraph 2(2).
This Act	In section 2(2), the new sections 2D(1) and (3)(a) and 2E(2)(a) of the Social Security Administration (Northern Ireland) Act 1992. Section 3(1). Section 5(1). In section 7(2)(a) and (g)(i), the words “income support or”. In section 19(1), new section 5B(6) of the Social Security Fraud Act (Northern Ireland) 2001. In Schedule 3, paragraph 5(3)(b).
The repeals made by this Part of this Schedule have effect in accordance with provision made by an order under section 9.	

PART 2

ABOLITION OF ADULT DEPENDENCY INCREASES

Commencement Information

- II** Sch. 4 Pt. 2 partly in force; Sch. 4 Pt. 2 in force for specified purposes at 13.8.2010 but with effect for certain repeals at 14.8.2010, see ss. 34(2), 36(1)(p)(2)

Short Title	Extent of repeal
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	In section 20(1)(d), the words “(with increase for adult dependants)”. In section 63(c), the words “(with increase for adult dependants)”. Section 82. Sections 88 to 92. In section 114(4), the word “82”.

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	In Part 4 of Schedule 4, paragraphs 3 and 9.
The Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (NI 12)	In Schedule 1, paragraphs 25 to 27.
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	In Schedule 2, paragraphs 7 and 10.
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	In Schedule 8, paragraph 25.
The Tax Credits Act 2002 (c. 21)	In Schedule 3, paragraph 46.
The Deregulation (Carer's Allowance) Order (Northern Ireland) 2002 (SR 2002/321)	Article 2(2)(a)(iv).
The Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraph 89.
The Child Benefit Act 2005 (c. 6)	In Schedule 1, paragraph 31.
The Pensions (2004 Act and 2005 Order) (PPF Payments and FAS Payments) (Consequential Provisions) Order (Northern Ireland) 2006 (SR 2006/37)	In the Schedule, paragraph 1(3).
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In Schedule 3, paragraph 3(7) and (8).
The Pensions Act (Northern Ireland) 2008 (c. 1)	In Schedule 1, paragraphs 14 and 15.

PART 3

SOCIAL SECURITY: OTHER REPEALS

Commencement Information

I2 Sch. 4 Pt. 3 partly in operation; Sch. 4 Pt. 3 not in operation at Royal Assent see s. 36(2); Sch. 4 Pt. 3 in operation for certain purposes at 23.9.2010 by [S.R. 2010/327](#), [art. 2\(2\)\(c\)](#)

Short Title

The Social Security Administration (Northern Ireland) Act 1992 (c. 8)

Extent of repeal

In section 2A(8), in the definition of “the designated authority”, paragraph (b).

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	In section 2AA(7), in the definition of “designated authority”, paragraph (b). Section 2B. Section 5(1)(s). In section 149(5), in paragraph (af) of the definition of “the relevant enactments”, the words “, 53 to 56”.
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	Article 10(3). Article 11(13). F2 ... F2 ... Article 21(10)(a).
The Employment Rights (Northern Ireland) Order 1996 (NI 16)	In Schedule 1, in the entry relating to the Jobseekers (Northern Ireland) Order 1995, the words “and 21(7)”.
The Social Security (Northern Ireland) Order 1998 (NI 10)	In Schedule 2, paragraph 5A (together with the italic heading immediately before it). In Schedule 3, paragraph 3(e). In Schedule 6, paragraphs 110, 111 and 113.
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	Article 57. Article 69(3)(b). In Article 73(6) and (7), the words “57 or”. In Schedule 7, paragraphs F2 ... 8(5) to (7) ^{F2} In Schedule 8, paragraph 27(3), (5) and (6). In Schedule 9, paragraph 61.
The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)	Sections 53 to 57.
The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)	In section 6, in subsection (8), the definitions of “disqualifying benefit” and “sanctionable benefit”. In section 7(2)(b), sub-paragraph (ii) and the word “or” before it. Section 11(1).

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	In section 12, the definitions of “disqualification period” and “post-commencement offence”.
The Social Security Act (Northern Ireland) 2002 (c. 10)	In Schedule 1, paragraphs 6, 10 and 11.
The State Pension Credit Act (Northern Ireland) 2002 (c. 14)	In Schedule 2, paragraph 33(b).
The Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraphs 131, 133 and 134.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In Schedule 3, paragraphs F2 ... 13 and 14(3).

Textual Amendments

- F2** Words in [Sch. 4 Pt. 3](#) repealed (17.2.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), [Sch. 12 Pt. 2](#); [S.R. 2016/46](#), art. 3(6)(b)

PROSPECTIVE

PART 4

CHILD MAINTENANCE

Short Title	Extent of repeal
The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)	In section 24(1), the words “9(1),” in substituted Article 48(2) of the Child Support (Northern Ireland) Order 1991.
The Child Maintenance Act (Northern Ireland) 2008 (c. 10)	In section 40(3) and (4), the word “36B,”.

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