Status: *Point in time view as at 16/05/2018. This version of this Order contains provisions that are not valid for this point in time.*
Changes to legislation: *The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 21 June 2024. 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)*

STATUTORY INSTRUMENTS

2015 No. 2006 (N.I. 1)

SOCIAL SECURITY

The Welfare Reform (Northern Ireland) Order 2015

Made - - - - 9th December 2015
Coming into force in accordance with Article 2

At the Court at Buckingham Palace, the 9th day of December 2015
Present,
The Queen's Most Excellent Majesty in Council

A draft of this Order has been approved by a resolution of each House of Parliament.

Her Majesty, in exercise of the powers conferred by section 1 of the Northern Ireland (Welfare Reform) Act 2015 (c. 34), is pleased, by and with the advice of Her Privy Council, to order as follows:—

Modifications etc. (not altering text)
C1 Order: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 4 Pt. 1** (with art. 9(2))

PART 1

General

Citation

1. This Order may be cited as the Welfare Reform (Northern Ireland) Order 2015.

Commencement

2.—(1) Part 1 comes into force on the day after the day on which this Order is made.

(2) The remaining provisions of this Order come into force on such day or days as the Department may by order appoint.

(3) An order under paragraph (2) may appoint different days for different areas in relation to—

(a) any provision of Part 2 (universal credit) or of Part 1 of Schedule 12;

(b) Article 66 or 67 (entitlement to work: jobseeker's allowance and employment and support allowance);

(c) Article 107 (consideration of revision before appeal).

(4) An order under paragraph (2) may make such transitory or transitional provision, or savings, as the Department considers necessary or expedient.

Extent

3.—(1) This Order extends to Northern Ireland, subject to paragraph (2).

(2) An amendment, repeal or revocation by this Order has the same extent as the provision to which it relates.

Transitory provision

4.—(1) Until such date as the Secretary of State may by order made by statutory instrument appoint, a function conferred on a Northern Ireland department to make regulations or an order under—

(a) this Order **[**[F1]or the Welfare Reform and Work (Northern Ireland) Order 2016**]** , is to be exercised by the Secretary of State rather than by the Northern Ireland department;

(b) any other statutory provision relating to social security or child support maintenance in Northern Ireland, may be exercised by the Secretary of State (as well as by the Northern Ireland department otherwise entitled to exercise the function).

(2) Paragraph (1)(a) does not apply to regulations under Article 135 (discretionary support) or 137 (payments to persons suffering financial disadvantage) **[**[F2]or Article 137A (payments to persons affected by social sector size criteria in calculation of universal credit or housing benefit)**][**[F3]or Article 137B (cost of work allowance)**]** .

(3) The following requirements do not apply to regulations or an order made by the Secretary of State by virtue of paragraph (1)(a) or (b).

(4) The requirements are—

(a) the regulations are, or the order is, subject to negative resolution or affirmative resolution;

(b) the regulations are, or the order is, subject to the confirmatory procedure (as defined in Article 49(5));

(c) the regulations or order may not be made unless a draft has been laid before, and approved by a resolution of, the Assembly;

(d) the regulations are, or the order is, to be made with the consent or approval of, or in conjunction with, a Northern Ireland department.

(5) Statutory rules made by the Secretary of State by virtue of paragraph (1)(a) or (b) are subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument; and section 5 of the Statutory Instruments Act 1946 applies accordingly.

(6) Sub-paragraph (5) does not apply to an order under Article 2(2) **[**[F4]or under Article 2(1) of the Welfare Reform and Work (Northern Ireland) Order 2016**]** .

(7) A statutory instrument which contains an order under paragraph (1) is subject to annulment in pursuance of a resolution of either House of Parliament.

(8) An order made by statutory instrument under paragraph (1) may contain consequential, transitory or transitional provisions or savings.

Textual Amendments

F1 Words in art. 4(1)(a) inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(a), **4(2)(a)**

F2 Words in art. 4(2) added (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **19(3)**

F3 Words in art. 4(2) added (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **20(3)**

F4 Words in art. 4(6) added (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(a), **4(2)(b)**

General interpretation

5. In this Order—

"the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992;

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

"the Department" means the Department for Social Development;

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

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Department;

"statutory provision" has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

PART 2

Universal credit

CHAPTER 1

Entitlement and awards

Introductory

Universal credit

6.—(1) A benefit known as universal credit is payable in accordance with this Part.

(2) Universal credit may, subject as follows, be awarded to—

(a) an individual who is not a member of a couple (a "single person"), or

(b) members of a couple jointly.

(3) An award of universal credit is, subject as follows, calculated by reference to—

(a) a standard allowance,

(b) an amount for responsibility for children or young persons,

(c) an amount for housing, and

(d) amounts for other particular needs or circumstances.

Commencement Information

I1 Art. 6 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I2 Art. 6 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I3 Art. 6 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I4 Art. 6 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Claims

7.—(1) A claim may be made for universal credit by—

(a) a single person, or

(b) members of a couple jointly.

(2) Regulations may specify circumstances in which a member of a couple may make a claim as a single person.

Commencement Information

I5 Art. 7 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I6 Art. 7 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I7 Art. 7 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I8 Art. 7 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I9 Art. 7 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Entitlement

Entitlement

8.—(1) A single claimant is entitled to universal credit if the claimant meets—

(a) the basic conditions, and

(b) the financial conditions for a single claimant.

(2) Joint claimants are jointly entitled to universal credit if—

(a) each of them meets the basic conditions, and

(b) they meet the financial conditions for joint claimants.

Commencement Information

I10 Art. 8 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I11 Art. 8 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I12 Art. 8 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I13 Art. 8 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Basic conditions

9.—(1) For the purposes of Article 8, a person meets the basic conditions who—

(a) is at least 18 years old,

(b) has not reached the qualifying age for state pension credit,

(c) is in Northern Ireland,

(d) is not receiving education, and

(e) has accepted a claimant commitment.

(2) Regulations may provide for exceptions to the requirement to meet any of the basic conditions (and, for joint claimants, may provide for an exception for one or both).

(3) For the basic condition in paragraph (1)(a) regulations may specify a different minimum age for prescribed cases.

(4) For the basic condition in paragraph (1)(b) the qualifying age for state pension credit is that referred to in section 1(6) of the State Pension Credit Act (Northern Ireland) 2002.

(5) For the basic condition in paragraph (1)(c) regulations may—

(a) specify circumstances in which a person is to be treated as being or not being in Northern Ireland;

(b) specify circumstances in which temporary absence from Northern Ireland is disregarded;

(c) modify the application of this Part in relation to a person not in Northern Ireland who is by virtue of sub-paragraph (b) entitled to universal credit.

(6) For the basic condition in paragraph (1)(d) regulations may—

(a) specify what "receiving education" means;

(b) specify circumstances in which a person is to be treated as receiving or not receiving education.

(7) For the basic condition in paragraph (1)(e) regulations may specify circumstances in which a person is to be treated as having accepted or not accepted a claimant commitment.

Modifications etc. (not altering text)

C2 Art. 9(1)(a) modified (coming into force in accordance with reg. 1 of the amending Rule) by The Universal Credit Regulations (NorthernIreland) 2016 (S.R. 2016/216), regs. 1, **12(1)**

C3 Art. 9(1)(a) modified (coming into force in accordance with reg. 1 of the amending Rule) by The Universal Credit Regulations (NorthernIreland) 2016 (S.R. 2016/216), regs. 1, **8(1)**

C4 Art. 9(1)(d) excluded (coming into force in accordance with reg. 1 of the amending Rule) by The Universal Credit Regulations (NorthernIreland) 2016 (S.R. 2016/216), regs. 1, **14**

C5 Art. 9(1)(e) modified (coming into force in accordance with reg. 1 of the amending Rule) by The Universal Credit Regulations (NorthernIreland) 2016 (S.R. 2016/216), regs. 1, **15(1)**

Commencement Information

I14 Art. 9 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I15 Art. 9 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I16 Art. 9 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I17 Art. 9 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I18 Art. 9 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Financial conditions

10.—(1) For the purposes of Article 8, the financial conditions for a single claimant are that—

(a) the claimant's capital, or a prescribed part of it, is not greater than a prescribed amount, and

(b) the claimant's income is such that, if the claimant were entitled to universal credit, the amount payable would not be less than any prescribed minimum.

(2) For those purposes, the financial conditions for joint claimants are that—

(a) their combined capital, or a prescribed part of it, is not greater than a prescribed amount, and

(b) their combined income is such that, if they were entitled to universal credit, the amount payable would not be less than any prescribed minimum.

Commencement Information

I19 Art. 10 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I20 Art. 10 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I21 Art. 10 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I22 Art. 10 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I23 Art. 10 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Restrictions on entitlement

11.—(1) Entitlement to universal credit does not arise—

(a) in prescribed circumstances (even though the requirements in Article 8 are met);

(b) if the requirements in Article 8 are met for a period shorter than a prescribed period;

(c) for a prescribed period at the beginning of a period during which those requirements are met.

(2) A period prescribed under paragraph (1)(b) or (c) may not exceed 7 days.

(3) Regulations may provide for exceptions to paragraph (1)(b) or (c).

Commencement Information

I24 Art. 11 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I25 Art. 11 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I26 Art. 11 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I27 Art. 11 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I28 Art. 11 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Awards

Basis of awards

12.—(1) Universal credit is payable in respect of each complete assessment period within a period of entitlement.

(2) In this Part an "assessment period" is a period of a prescribed duration.

(3) Regulations may make provision—

(a) about when an assessment period is to start;

(b) for universal credit to be payable in respect of a period shorter than an assessment period;

(c) about the amount payable in respect of a period shorter than an assessment period.

(4) In paragraph (1) "period of entitlement" means a period during which entitlement to universal credit subsists.

Commencement Information

I29 Art. 12 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I30 Art. 12 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I31 Art. 12 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I32 Art. 12 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I33 Art. 12 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Calculation of awards

13.—(1) The amount of an award of universal credit is to be the balance of—

(a) the maximum amount (see paragraph (2)), less

(b) the amounts to be deducted (see paragraph (3)).

(2) The maximum amount is the total of—

(a) any amount included under Article 14 (standard allowance),

(b) any amount included under Article 15 (responsibility for children and young persons),

(c) any amount included under Article 16 (housing costs), and

(d) any amount included under Article 17 (other particular needs or circumstances).

(3) The amounts to be deducted are—

(a) an amount in respect of earned income calculated in the prescribed manner (which may include multiplying some or all earned income by a prescribed percentage), and

(b) an amount in respect of unearned income calculated in the prescribed manner (which may include multiplying some or all unearned income by a prescribed percentage).

(4) In paragraph (3)(a) and (b) the references to income are—

(a) in the case of a single claimant, to income of the claimant, and

(b) in the case of joint claimants, to combined income of the claimants.

Commencement Information

I34 Art. 13 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I35 Art. 13 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I36 Art. 13 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I37 Art. 13 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I38 Art. 13 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Elements of an award

Standard allowance

14.—(1) The calculation of an award of universal credit is to include an amount by way of an allowance for—

(a) a single claimant, or

(b) joint claimants.

(2) Regulations are to specify the amount to be included under paragraph (1).

(3) Regulations may provide for exceptions to paragraph (1).

Commencement Information

I39 Art. 14 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I40 Art. 14 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I41 Art. 14 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I42 Art. 14 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I43 Art. 14 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Responsibility for children and young persons

15.—(1) The calculation of an award of universal credit is to include an amount for each child or qualifying young person for whom a claimant is responsible.

[[F5](1A) But the amount mentioned in paragraph (1) is to be available in respect of a maximum of two persons who are either children or qualifying young persons for whom a claimant is responsible.**]**

(2) Regulations may make provision for the inclusion of an additional amount **[**[F6]for each**]** child or qualifying young person **[**[F7]for whom a claimant is responsible who**]** is disabled.

(3) Regulations are to specify, or provide for the calculation of, amounts to be included under paragraph (1) or (2).

(4) Regulations may provide for exceptions to paragraph (1) **[**[F8]or (1A)**]** .

(5) In this Part, "qualifying young person" means a person of a prescribed description.

Textual Amendments

F5 Art. 15(1A) inserted (11.3.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **10(2)**; S.R. 2017/46, art. 2(b)

F6 Words in art. 15(2) substituted (11.3.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **10(3)(a)**; S.R. 2017/46, art. 2(b)

F7 Words in art. 15(2) inserted (11.3.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **10(3)(b)**; S.R. 2017/46, art. 2(b)

F8 Words in art. 15(4) inserted (11.3.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **10(4)**; S.R. 2017/46, art. 2(b)

Commencement Information

I44 Art. 15 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I45 Art. 15 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I46 Art. 15 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I47 Art. 15 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I48 Art. 15 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Housing costs

16.—(1) The calculation of an award of universal credit is to include an amount in respect of any liability of a claimant to make payments in respect of the accommodation the claimant occupies as his or her home.

(2) For the purposes of paragraph (1)—

(a) the accommodation must be in Northern Ireland;

(b) the accommodation must be residential accommodation;

(c) it is immaterial whether the accommodation consists of the whole or part of a building and whether or not it comprises separate and self-contained premises.

(3) Regulations may make provision as to—

(a) what is meant by payments in respect of accommodation for the purposes of this Article[F9]...;

(b) circumstances in which a claimant is to be treated as liable or not liable to make such payments;

(c) circumstances in which a claimant is to be treated as occupying or not occupying accommodation as his or her home (and, in particular, for temporary absences to be disregarded);

(d) circumstances in which land used for the purposes of any accommodation is to be treated as included in the accommodation.

(4) Regulations are to provide for the determination or calculation of any amount to be included under this Article.

(5) Regulations may—

(a) provide for exceptions to paragraph (1);

(b) provide for inclusion of an amount under this Article in the calculation of an award of universal credit—

(i) to end at a prescribed time, or

(ii) not to start until a prescribed time.

Textual Amendments

F9 Words in art. 16(3)(a) omitted (6.4.2018) by virtue of The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(10)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))

Modifications etc. (not altering text)

C6 Art. 16(1) excluded (coming into force in accordance with reg. 1 of the amending Rule) by The Universal Credit Regulations (NorthernIreland) 2016 (S.R. 2016/216), reg. 1, **Sch. 4 para. 4**

C7 Art. 16(1) excluded (coming into force in accordance with reg. 1 of the amending Rule) by The Universal Credit Regulations (NorthernIreland) 2016 (S.R. 2016/216), reg. 1, **Sch. 5 para. 4(1)**

Commencement Information

I49 Art. 16 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I50 Art. 16 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I51 Art. 16 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I52 Art. 16 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I53 Art. 16 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Other particular needs or circumstances

17.—(1) The calculation of an award of universal credit is to include amounts in respect of such particular needs or circumstances of a claimant as may be prescribed.

(2) The needs or circumstances prescribed under paragraph (1) may include—

F10(a) . . . . . .

(b) the fact that a claimant has limited capability for work and work-related activity;

(c) the fact that a claimant has regular and substantial caring responsibilities for a severely disabled person.

(3) Regulations are to specify, or provide for the determination or calculation of, any amount to be included under paragraph (1).

(4) Regulations may—

(a) provide for inclusion of an amount under this Article in the calculation of an award of universal credit—

(i) to end at a prescribed time, or

(ii) not to start until a prescribed time;

(b) provide for the manner in which a claimant's needs or circumstances are to be determined.

Textual Amendments

F10 Art. 17(2)(a) omitted (27.9.2017) by virtue of The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **11**; S.R. 2017/166, art. 3(a)

Commencement Information

I54 Art. 17 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(a)**

I55 Art. 17 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I56 Art. 17 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I57 Art. 17 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I58 Art. 17 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

CHAPTER 2

Claimant responsibilities

Introductory

Work-related requirements: introductory

18.—(1) This Chapter provides for the Department to impose work-related requirements with which claimants must comply for the purposes of this Part.

(2) In this Part "work-related requirement" means—

(a) a work-focused interview requirement (see Article 20);

(b) a work preparation requirement (see Article 21);

(c) a work search requirement (see Article 22);

(d) a work availability requirement (see Article 23).

(3) The work-related requirements which may be imposed on a claimant depend on which of the following groups the claimant falls into—

(a) no work-related requirements (see Article 24);

(b) work-focused interview requirement only (see Article 25);

(c) work-focused interview and work preparation requirements only (see Article 26);

(d) all work-related requirements (see Article 27).

Commencement Information

I59 Art. 18 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I60 Art. 18 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I61 Art. 18 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I62 Art. 18 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I63 Art. 18 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Claimant commitment

19.—(1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of universal credit.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) a record of the requirements that the claimant must comply with under this Part (or such of them as the Department considers it appropriate to include),

(b) any prescribed information, and

(c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Part a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Commencement Information

I64 Art. 19 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I65 Art. 19 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I66 Art. 19 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I67 Art. 19 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I68 Art. 19 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Work-related requirements

Work-focused interview requirement

20.—(1) In this Part a "work-focused interview requirement" is a requirement that a claimant participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under paragraph (2) include in particular that of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focused interview is to take place.

Commencement Information

I69 Art. 20 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I70 Art. 20 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I71 Art. 20 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I72 Art. 20 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I73 Art. 20 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Work preparation requirement

21.—(1) In this Part a "work preparation requirement" is a requirement that a claimant take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1) includes in particular—

(a) attending a skills assessment;

(b) improving personal presentation;

(c) participating in training;

(d) participating in an employment programme;

(e) undertaking work experience or a work placement;

(f) developing a business plan;

(g) any action prescribed for the purpose in paragraph (1).

(4) In the case of a person with limited capability for work, the action which may be specified under paragraph (1) includes taking part in a work-focused health-related assessment.

(5) In paragraph (4) "work-focused health-related assessment" means an assessment by a health care professional approved by the Department which is carried out for the purpose of assessing—

(a) the extent to which the person's capability for work may be improved by taking steps in relation to that person's physical or mental condition, and

(b) such other matters relating to that person's physical or mental condition and the likelihood of that person obtaining or remaining in work or being able to do so as may be prescribed.

(6) In paragraph (5) "health care professional" means—

(a) a registered medical practitioner,

(b) a registered nurse,

(c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or

(d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as may be prescribed.

Commencement Information

I74 Art. 21 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I75 Art. 21 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I76 Art. 21 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I77 Art. 21 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)
I78 Art. 21 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Work search requirement

22.—(1) In this Part a "work search requirement" is a requirement that a claimant take—

(a) all reasonable action, and

(b) any particular action specified by the Department,

for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1)(b) includes in particular—

(a) carrying out work searches;

(b) making applications;

(c) creating and maintaining an online profile;

(d) registering with an employment agency;

(e) seeking references;

(f) any action prescribed for the purpose in paragraph (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(5) A limitation under paragraph (4) may in particular be by reference to—

(a) work of a particular nature,

(b) work with a particular level of remuneration,

(c) work in particular locations, or

(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

Commencement Information
I79 Art. 22 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**
I80 Art. 22 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)
I81 Art. 22 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)
I82 Art. 22 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)
I83 Art. 22 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Work availability requirement

23.—(1) In this Part a "work availability requirement" is a requirement that a claimant be available for work.

(2) For the purposes of this Article "available for work" means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(4) A limitation under paragraph (3) may in particular be by reference to—

(a) work of a particular nature,

(b) work with a particular level of remuneration,

(c) work in particular locations, or

(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of paragraph (2) define what is meant by a person being able and willing immediately to take up work.

Commencement Information

I84 Art. 23 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I85 Art. 23 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I86 Art. 23 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I87 Art. 23 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I88 Art. 23 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Application of work-related requirements

Claimants subject to no work-related requirements

24.—(1) The Department may not impose any work-related requirement on a claimant falling within this Article.

(2) A claimant falls within this Article if—

(a) the claimant has limited capability for work and work-related activity,

(b) the claimant has regular and substantial caring responsibilities for a severely disabled person,

(c) the claimant is the responsible carer for a child under the age of one, or

(d) the claimant is of a prescribed description.

(3) Regulations under paragraph (2)(d) may in particular make provision by reference to one or more of the following—

(a) hours worked;

(b) earnings or income;

(c) the amount of universal credit payable.

(4) Regulations under paragraph (3) may—

(a) in the case of a claimant who is a member of a couple, make provision by reference to the claimant alone or by reference to the members of the couple together;

(b) make provision for estimating or calculating any matter for the purpose of the regulations.

(5) Where a claimant falls within this Article, any work-related requirement previously applying to the claimant ceases to have effect.

(6) In this Part "responsible carer", in relation to a child means—

(a) a single person who is responsible for the child, or

(b) a person who is a member of a couple where—

(i) the person or the other member of the couple is responsible for the child, and

(ii) the person has been nominated by the couple jointly as responsible for the child.

Commencement Information

I89 Art. 24 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I90 Art. 24 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I91 Art. 24 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I92 Art. 24 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I93 Art. 24 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Claimants subject to work-focused interview requirement only

25.—(1) A claimant falls within this Article if—

(a) the claimant is the responsible carer for a child who is aged **[**[F11]one**]** , or

(b) the claimant is of a prescribed description.

(2) The Department may, subject to this Part, impose a work-focused interview requirement on a claimant falling within this Article.

(3) The Department may not impose any other work-related requirement on a claimant falling within this Article (and, where a claimant falls within this Article, any other work-related requirement previously applying to the claimant ceases to have effect).

Textual Amendments

F11 Word in art. 25(1)(a) substituted (27.9.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **12(1)(a)**; S.R. 2017/166, art. 3(b)

Commencement Information

I94 Art. 25 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I95 Art. 25 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I96 Art. 25 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I97 Art. 25 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I98 Art. 25 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Claimants subject to work preparation requirement

26.—(1) A claimant falls within this Article if the claimant does not fall within Article 24 or 25 and—

(a) the claimant has limited capability for work,

[[F12](aa) the claimant is the responsible carer for a child who is aged 2,**]** or

(b) the claimant is of a prescribed description.

(2) The Department may, subject to this Part, impose a work preparation requirement on a claimant falling within this Article.

(3) The Department may also, subject to this Part, impose a work-focused interview requirement on a claimant falling within this Article.

(4) The Department may not impose any other work-related requirement on a claimant falling within this Article (and, where a claimant falls within this Article, any other work-related requirement previously applying to the claimant ceases to have effect).

[F13](5) . . . . . .

Textual Amendments

F12 Art. 26(1)(aa) inserted (27.9.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **12(1)(b)**; S.R. 2017/166, art. 3(b)

F13 Art. 26(5) omitted (27.9.2017) by virtue of The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), **arts. 2(1)**, 12(1)(c); S.R. 2017/166, **art. 3(b)**

Commencement Information

I99 Art. 26 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I100 Art. 26 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I101 Art. 26 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I102 Art. 26 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I103 Art. 26 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Claimants subject to all work-related requirements

27.—(1) A claimant not falling within any of Articles 24 to 26 falls within this Article.

(2) The Department must, except in prescribed circumstances, impose on a claimant falling within this Article—

(a) a work search requirement, and

(b) a work availability requirement.

(3) The Department may, subject to this Part, impose either or both of the following on a claimant falling within this Article—

(a) a work-focused interview requirement;

(b) a work preparation requirement.

Commencement Information

I104 Art. 27 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I105 Art. 27 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I106 Art. 27 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I107 Art. 27 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I108 Art. 27 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Work-related requirements: supplementary

Connected requirements

28.—(1) The Department may require a claimant to participate in an interview for any purpose relating to—

(a) the imposition of a work-related requirement on the claimant;

(b) verifying the claimant's compliance with a work-related requirement;

(c) assisting the claimant to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

(a) provide to the Department information and evidence specified by the Department in a manner so specified;

(b) confirm compliance in a manner so specified.

(4) The Department may require a claimant to report to the Department any specified changes in the claimant's circumstances which are relevant to—

(a) the imposition of work-related requirements on the claimant;

(b) the claimant's compliance with a work-related requirement.

Commencement Information

I109 Art. 28 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I110 Art. 28 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I111 Art. 28 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I112 Art. 28 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Imposition of requirements

29.—(1) Regulations may make provision—

(a) where the Department may impose a requirement under this Part, as to when the requirement must or must not be imposed;

(b) where the Department may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;

(c) where the Department may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under Article 21(1) or 22(1)(b), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under this Part, the Department may revoke or change what has been imposed or specified.

(5) Where the Department may specify any action to be taken in relation to a requirement imposed under this Part, the Department may revoke or change what has been specified.

(6) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—

(a) a requirement imposed on that claimant under this Part ceases to have effect for a period of 13 weeks, and

(b) the Department may not impose any other requirement under this Part on that claimant during that period.

(8) For the purposes of paragraph (7)—

(a) "domestic violence" has such meaning as may be prescribed;

(b) "victim of domestic violence" means a person on or against whom domestic violence is inflicted or threatened (and regulations under paragraph (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);

(c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

Commencement Information

I113 Art. 29 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(i)**

I114 Art. 29 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I115 Art. 29 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I116 Art. 29 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I117 Art. 29 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Compliance with requirements

30. Regulations may make provision as to circumstances in which a claimant is to be treated as having—

(a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or

(b) taken or not taken any particular action specified by the Department in relation to such a requirement.

Commencement Information

I118 Art. 30 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(b)(ii)**

Reduction of benefit

Higher-level sanctions

31.—(1) The amount of an award of universal credit is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant falling within Article 27—

(a) fails for no good reason to comply with a requirement imposed under a work preparation requirement to undertake a work placement of a prescribed description;

(b) fails for no good reason to comply with a requirement imposed under a work search requirement to apply for a particular vacancy for paid work;

(c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;

(d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.

(3) It is a failure sanctionable under this Article if by reason of misconduct, or voluntarily and for no good reason, a claimant falling within Article 24 by virtue of paragraph (3) of that Article ceases paid work or loses pay so as to cease to fall within that Article and to fall within Article 27 instead.

(4) It is a failure sanctionable under this Article if, at any time before making the claim by reference to which the award is made, the claimant—

(a) for no good reason failed to take up an offer of paid work, or

(b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay,

and at the time the award is made the claimant falls within Article 27.

(5) For the purposes of paragraphs (2) to (4) regulations may provide—

(a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;

(b) for loss of pay below a prescribed level to be disregarded.

(6) Regulations are to provide for—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(7) Regulations under paragraph (6)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(8) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this Article.

Commencement Information

I119 Art. 31 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(iii)**

I120 Art. 31 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I121 Art. 31 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I122 Art. 31 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I123 Art. 31 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Other sanctions

32.—(1) The amount of an award of universal credit is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) fails for no good reason to comply with a work-related requirement;

(b) fails for no good reason to comply with a requirement under Article 28.

(3) But a failure by a claimant is not sanctionable under this Article if it is also a failure sanctionable under Article 31.

(4) Regulations are to provide for—

(a) the amount of a reduction under this Article, and

(b) the period for which such a reduction has effect.

(5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—

(a) a period continuing until the claimant meets a compliance condition specified by the Department,

(b) a fixed period not exceeding 26 weeks which is—

(i) specified in the regulations, or

(ii) determined in any case by the Department, or

(c) a combination of both.

(6) In paragraph (5)(a) "compliance condition" means—

(a) a condition that the failure ceases, or

(b) a condition relating to future compliance with a work-related requirement or a requirement under Article 28.

(7) A compliance condition specified under paragraph (5)(a) may be—

(a) revoked or varied by the Department;

(b) notified to the claimant in such manner as the Department may determine.

(8) A period fixed under paragraph (5)(b) may in particular depend on either or both the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(9) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this Article.

Commencement Information

I124 Art. 32 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(b)(iii)**

I125 Art. 32 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 4(3)-(6), **Sch. 1** (with art. 5)

I126 Art. 32 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 3** (with art. 6) (as amended (15.1.2018) by S.R. 2018/1, art. 7)

I127 Art. 32 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 3** (with art. 6)

I128 Art. 32 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 3** (with art. 6)

Hardship payments

33.—(1) Regulations may make provision for the making of additional payments by way of universal credit to a claimant ("hardship payments") where—

(a) the amount of the claimant's award is reduced under Article 31 or 32, and

(b) the claimant is or will be in hardship.

(2) Regulations under this Article may in particular make provision as to—

(a) circumstances in which a claimant is to be treated as being or not being in hardship;

(b) matters to be taken into account in determining whether a claimant is or will be in hardship;

(c) requirements or conditions to be met by a claimant in order to receive hardship payments;

(d) the amount or rate of hardship payments;

(e) the period for which hardship payments may be made;

(f) whether hardship payments are recoverable.

Commencement Information

I129 Art. 33 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(b)(iv)**

Administration

Concurrent exercise of certain functions by Department for Employment and Learning

[F14]34. . . . . . .

Textual Amendments

F14 Art. 34 omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 62** (with art. 9(2)) (Omitted before coming into operation)

Commencement Information

I130 Art. 34 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(a)

Delegation and contracting out

35.—(1) The functions of the Department under Articles 18 to 30 may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an "authorised person").

(2) An authorisation given by virtue of this Article may authorise the exercise of a function—

(a) wholly or to a limited extent;

(b) generally or in particular cases or areas;

(c) unconditionally or subject to conditions.

(3) An authorisation under this Article—

(a) may specify its duration;

(b) may be varied or revoked at any time by the Department;

(c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Paragraph (4) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

(a) the authorisation of an authorised person is revoked, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

[F15](7) . . . . . .

Textual Amendments

F15 Art. 35(7) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 63** (with art. 9(2)) (Art. 35(7) omitted before art. 35 comes into operation)

Commencement Information
I131 Art. 35 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(b)

CHAPTER 3

Supplementary and general

Supplementary and consequential

Supplementary regulation-making powers

36. Schedule 1 contains supplementary regulation-making powers.

Commencement Information
I132 Art. 36 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(i)**

Supplementary and consequential amendments

37. Schedule 2 contains supplementary and consequential amendments.

Commencement Information
I133 Art. 37 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(i)**
I134 Art. 37 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)

Power to make supplementary and consequential provision etc.

38.—(1) The Department may by regulations make such consequential, supplementary, incidental or transitional provision in relation to any provision of this Part as the Department considers appropriate.

(2) Regulations under this Article may amend, repeal or revoke any statutory provision (whenever passed or made).

Commencement Information
I135 Art. 38 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(i)**

Universal credit and other benefits

Abolition of benefits

39.—(1) The following benefits are abolished—

(a) income-based jobseeker's allowance under the Jobseekers Order;

(b) income-related employment and support allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007;

(c) income support under section 123 of the Contributions and Benefits Act;

(d) housing benefit under section 129 of that Act.

(2) In paragraph (1)—

(a) "income-based jobseeker's allowance" has the same meaning as in the Jobseekers Order;

(b) "income-related employment and support allowance" means an employment and support allowance entitlement to which is based on section 1(2)(b) of the Welfare Reform Act (Northern Ireland) 2007.

(3) Schedule 3 contains consequential amendments.

Commencement Information

I136 Art. 39(1)(a)(b)(2) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

I137 Art. 39(1)(a)(b)(2) in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with art. 5) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)

I138 Art. 39(1)(a)(b)(2) in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)

I139 Art. 39(1)(a)(b)(2) in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)

I140 Art. 39(3) in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(i)**

PROSPECTIVE

Universal credit and the state pension credit

40. Schedule 4 provides for a housing element of state pension credit in consequence of the abolition of housing benefit by Article 39.

Universal credit and working-age benefits

41. Schedule 5 makes further provision relating to universal credit, jobseeker's allowance and employment and support allowance.

Commencement Information

I141 Art. 41 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(i)**

Migration to universal credit

42. Schedule 6 contains provision about the replacement of benefits by universal credit.

Commencement Information

I142 Art. 42 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(i)**

General

Capability for work or work-related activity

43.—(1) For the purposes of this Part a claimant has limited capability for work if—

(a) the claimant's capability for work is limited by his or her physical or mental condition, and

(b) the limitation is such that it is not reasonable to require the claimant to work.

(2) For the purposes of this Part a claimant has limited capability for work-related activity if—

(a) the claimant's capability for work-related activity is limited by his or her physical or mental condition, and

(b) the limitation is such that it is not reasonable to require the claimant to undertake work-related activity.

(3) The question whether a claimant has limited capability for work or work-related activity for the purposes of this Part is to be determined in accordance with regulations.

(4) Regulations under this Article must, subject as follows, provide for determination of that question on the basis of an assessment (or repeated assessments) of the claimant.

(5) Regulations under this Article may for the purposes of an assessment—

(a) require a claimant to provide information or evidence (and may require it to be provided in a prescribed manner or form);

(b) require a claimant to attend and submit to a medical examination at a place, date and time determined under the regulations.

(6) Regulations under this Article may make provision for a claimant to be treated as having or not having limited capability for work or work-related activity.

(7) Regulations under paragraph (6) may provide for a claimant who fails to comply with a requirement imposed under paragraph (5) without a good reason to be treated as not having limited capability for work or work-related activity.

(8) Regulations under paragraph (6) may provide for a claimant to be treated as having limited capability for work until—

(a) it has been determined whether or not that is the case, or

(b) the claimant is under any other provision of regulations under paragraph (6) treated as not having it.

(9) Regulations under this Article may provide for determination of the question of whether a claimant has limited capability for work or work-related activity even where the claimant is for the time being treated under regulations under paragraph (6) as having limited capability for work or work-related activity.

Commencement Information

I143 Art. 43 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(ii)**

I144 Art. 43 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(c)

Information

44. Information supplied under Chapter 2 or Article 43 is to be taken for all purposes to be information relating to social security.

Commencement Information

I145 Art. 44 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(d)

Couples

45.—(1) In this Part "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;

(c) two people of the same sex who are civil partners of each other and are members of the same household;

(d) two people of the same sex who are not civil partners of each other but are living together as civil partners.

(2) For the purposes of this Article, two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.

(3) For the purposes of this Article regulations may prescribe—

(a) circumstances in which the fact that two persons are husband and wife or are civil partners is to be disregarded;

(b) circumstances in which a man and a woman are to be treated as living together as husband and wife;

(c) circumstances in which people are to be treated as being or not being members of the same household.

Commencement Information

I146 Art. 45 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(ii)**

I147 Art. 45 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(e)

Interpretation of Part 2

46. In this Part—

"assessment period" has the meaning given by Article 12(2);

"child" means a person under the age of 16;

"claim" means claim for universal credit;

"claimant" means a single claimant or each of joint claimants;

"couple" has the meaning given by Article 45;

"disabled" has such meaning as may be prescribed;

"joint claimants" means members of a couple who jointly make a claim or in relation to whom an award of universal credit is made;

"limited capability for work" and "limited capability for work-related activity" are to be construed in accordance with Article 43(1) and (2);

"qualifying young person" has the meaning given in Article 15(5);

"regular and substantial caring responsibilities" has such meaning as may be prescribed;

"responsible carer", in relation to a child, has the meaning given in Article 24(6);

"severely disabled" has such meaning as may be prescribed;

"single claimant" means a single person who makes a claim for universal credit or in relation to whom an award of universal credit is made as a single person;

"single person" is to be construed in accordance with Article 6(2)(a);

"work" has such meaning as may be prescribed;

"work availability requirement" has the meaning given by Article 23(1);

"work preparation requirement" has the meaning given by Article 21(1);

"work search requirement" has the meaning given by Article 22(1);

"work-focused interview requirement" has the meaning given by Article 20(1);

"work-related activity", in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;

"work-related requirement" has the meaning given by Article 18(2).

Commencement Information

I148 Art. 46 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(ii)**

I149 Art. 46 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(f)

Regulations

Pilot schemes

47.—(1) Any power to make—

(a) regulations under this Part,

(b) regulations under the Administration Act relating to universal credit, or

(c) regulations under the Social Security (Northern Ireland) Order 1998 relating to universal credit,

may be exercised so as to make provision for piloting purposes.

(2) In paragraph (1), "piloting purposes", in relation to any provision, means the purposes of testing—

(a) the extent to which the provision is likely to make universal credit simpler to understand or to administer,

(b) the extent to which the provision is likely to promote—

(i) people remaining in work, or

(ii) people obtaining or being able to obtain work (or more work or better-paid work), or

(c) the extent to which, and how, the provision is likely to affect the conduct of claimants or other people in any other way.

(3) Regulations made by virtue of this Article are in the remainder of this Article referred to as a "pilot scheme".

(4) A pilot scheme may be limited in its application to—

(a) one or more areas;

(b) one or more classes of person;

(c) persons selected—

(i) by reference to prescribed criteria, or

(ii) on a sampling basis.

(5) A pilot scheme may not have effect for a period exceeding 3 years, but—

(a) the Department may by order provide that the pilot scheme is to continue to have effect after the time when it would otherwise expire for a period not exceeding 12 months (and may make more than one such order);

(b) a pilot scheme may be replaced by a further pilot scheme making the same or similar provision.

(6) A pilot scheme may include consequential or transitional provision in relation to its expiry.

Commencement Information

I150 Art. 47 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(ii)**

Regulations

48.—(1) Where any power under this Part to make regulations is expressed to be exercisable for alternative purposes, it may be exercised in relation to the same case for all or any of those purposes.

(2) Any power under this Part to make regulations includes power—

(a) to make such incidental, supplementary, consequential or transitional provision or savings as appear to the Department to be expedient;

(b) to provide for a person to exercise a discretion in dealing with any matter.

(3) Each power conferred by this Part is without prejudice to the others.

(4) Where regulations under this Part provide for an amount, the amount may be zero.

(5) Where regulations under this Part provide for an amount for the purposes of an award (or a reduction from an award), the amount may be different in relation to different descriptions of person, and in particular may depend on—

(a) whether the person is a single person or a member of a couple;

(b) the age of the person.

(6) Regulations under Article 16(4) or 17(3) which provide for the determination or calculation of an amount may make different provision for different areas.

Commencement Information

I151 Art. 48 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iii)**

Assembly control

49.—(1) Subject to the following provisions of this Article, any regulations made under this Part are subject to negative resolution.

(2) Regulations made by virtue of Article 47 (pilot schemes), alone or with other regulations—

(a) must be laid before the Assembly after being made; and

(b) take effect on such date as may be specified in the regulations, but (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of 6 months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.

(3) This paragraph applies to any regulations under this Part which—

(a) but for paragraph (4), would be subject to negative resolution, and

(b) are contained in a statutory rule which includes any regulations subject to the confirmatory procedure.

(4) Any regulations to which paragraph (3) applies shall not be subject to negative resolution, but shall be subject to the confirmatory procedure.

(5) In this Article "the confirmatory procedure" means the procedure described in paragraph (2).

Commencement Information
I152 Art. 49 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iii)**

PART 3

Working-age benefits

CHAPTER 1

Jobseeker's allowance

Claimant responsibilities for interim period

Claimant commitment for jobseeker's allowance

50.—(1) The Jobseekers Order is amended as follows.

(2) **[**[F16]In Article 2 (interpretation), in paragraph (2), after the definition of "employment" insert—

""employment officer", for any purpose of this Order, means an officer of the Department or the Department for Employment and Learning or such other person as may be designated for that purpose by an order made by the Department;".**]**

(3) In Article 3 (the jobseeker's allowance), in paragraph (2)(b) for "entered into a jobseeker's agreement which remains in force" substitute " accepted a claimant commitment ".

(4) **[**[F17]For Article 11 (the jobseeker's agreement) substitute—

"**Claimant commitment**

11.—(1) For the purposes of this Order a "claimant commitment" is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment shall—

(a) be prepared by an employment officer,

(b) be in such form as the Department thinks fit,

(c) include any prescribed information, and

(d) include any other information an employment officer considers it appropriate to include.

(3) Information included in a claimant commitment under paragraph (2)(d) may include—

(a) information in respect of the conditions mentioned in Article 3(2)(a) and (c);

(b) details of any requirement imposed on the claimant by virtue of regulations under Article 10 or 19A, or under a jobseeker's direction;

(c) details of any consequences of a failure to comply with such a requirement.

(4) A claimant shall not be invited to accept a claimant commitment by an employment officer unless, in the opinion of the employment officer, the conditions mentioned in Article 3(2)(a) and (c) would be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the proposed claimant commitment.

(5) The employment officer may, and if asked to do so by the claimant shall forthwith, refer a proposed claimant commitment to the Department for it to determine—

(a) whether, if the claimant were to act in accordance with the proposed claimant commitment, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c), and

(b) whether it is reasonable to expect the claimant to have to act in accordance with the proposed claimant commitment.

(6) A reference under paragraph (5) may only relate to information included in the proposed claimant commitment under paragraph (3)(a).

(7) On a reference under paragraph (5) the Department—

(a) shall, so far as practicable, dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference;

(b) may give such directions, with respect to the terms of the proposed claimant commitment, as the Department considers appropriate;

(c) may direct that, if such conditions as it considers appropriate are satisfied, the proposed claimant commitment is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.

(8) Regulations may provide—

(a) for such matters as may be prescribed to be taken into account by the Department in giving a direction under paragraph (7)(c), and

(b) for such persons as may be prescribed to be notified of—

(i) any determination of the Department under this Article;

(ii) any direction given by the Department under this Article.

(9) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in Article 3(2)(b).

(10) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.”**]**

(5) **[**[F18]For Article 12 (variation of jobseeker's agreement) substitute—

“**Variation of claimant commitment**

12.—(1) A claimant commitment may be varied by an employment officer.

(2) An employment officer shall not vary a claimant commitment unless, in the opinion of the employment officer, the conditions mentioned in Article 3(2)(a) and (c) would continue to be satisfied with respect to the claimant if he were to act in accordance with, or be treated as acting in accordance with, the varied claimant commitment.

(3) An employment officer shall, before making a relevant variation of a claimant commitment, notify the claimant of the proposed variation.

(4) For the purposes of this Article a “relevant variation” of a claimant commitment means a variation which relates to information to be included in the claimant commitment in respect of the conditions mentioned in Article 3(2)(a) and (c).

(5) The employment officer may, and if asked to do so by the claimant in prescribed circumstances, shall forthwith refer a relevant variation of a claimant commitment proposed by the employment officer or requested by the claimant to the Department to determine—

(a) whether, if the claimant were to act in accordance with the claimant commitment as proposed to be varied, he would satisfy—

(i) the condition mentioned in Article 3(2)(a), or

(ii) the condition mentioned in Article 3(2)(c), and

(b) in the case of a variation proposed by the employment officer, whether it is reasonable to expect the claimant to have to act in accordance with the claimant commitment as proposed to be varied.

(6) On a reference under paragraph (5) the Department—

(a) shall, so far as practicable, dispose of it in accordance with this Article before the end of the period of 14 days from the date of the reference,

(b) shall give such directions as it considers appropriate as to—

(i) whether the claimant commitment should be varied, and

(ii) if so, the terms on which the claimant is to accept the varied claimant commitment, and

(c) may direct that, if such conditions as it considers appropriate are satisfied, the claimant commitment, as proposed to be varied, is to be treated (if accepted) as having been accepted by the claimant on such date as may be specified in the direction.

(7) Regulations may provide—

(a) for such matters as may be prescribed to be taken into account by the Department in giving a direction under paragraph (6)(b) or (c), and

(b) for such persons as may be prescribed to be notified of—

(i) any determination of the Department under this Article;

(ii) any direction given by the Department under this Article.”**]**

Textual Amendments

F16 Art. 50(2) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F17 Art. 50(4) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F18 Art. 50(5) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I153 Art. 50(1)(3) in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(3)(a)(i)**

I154 Art. 50(1)(3) in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, **art. 9** (with arts. 10-25)

I155 Art. 50(1) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 3(1)**(2)(a)

I156 Art. 50(2) in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(a)

Interviews

51. [[F19]In Article 10 of the Jobseekers Order (attendance, information and evidence), in paragraphs (1)(a) and (1A)(a) for "attend at such place and at such time" substitute " participate in an interview in such manner, time and place ".**]**

Textual Amendments

F19 Art. 51 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I157 Art. 51 in operation at 1.6.2016 for specified purposes by S.R. 2016/234, **art. 2(2)(a)(i)**

I158 Art. 51 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 3(1)**(2)(b)

Sanctions

52.—(1) **[**[F20]For Article 21 of the Jobseekers Order (circumstances in which a jobseeker's allowance is not payable) substitute—

"**Higher-level sanctions**

21.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) through misconduct loses employment as an employed earner;

(b) without a good reason voluntarily leaves such employment;

(c) without a good reason refuses or fails to apply for, or accept if offered, a situation in any employment which an employment officer has informed him is vacant or about to become vacant;

(d) without a good reason neglects to avail himself of a reasonable opportunity of employment;

(e) without a good reason fails to participate in any scheme within Article 19A(1) which is prescribed for the purposes of this Article.

(3) For the purposes of paragraph (2)(b), in such circumstances as may be prescribed, including in particular where a person has been dismissed by his employer by reason of redundancy within the meaning of Article 174(1) of the Employment Rights (Northern Ireland) Order 1996 after volunteering or agreeing to be so dismissed, a person who might otherwise be treated as having left his employment voluntarily is to be treated as not having left voluntarily.

(4) Regulations are to provide for—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(5) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(6) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(7) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

Other sanctions

21A.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by the claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) without a good reason fails to comply with regulations under Article 10(1) or (1A);

(b) without a good reason fails to comply with regulations under Article 19A;

(c) without a good reason refuses or fails to carry out a jobseeker's direction which was reasonable having regard to his circumstances;

(d) without a good reason neglects to avail himself of a reasonable opportunity of a place on a training scheme or employment programme;

(e) without a good reason refuses or fails to apply for, or accept if offered, a place on such a scheme or programme which an employment officer has informed him is vacant or about to become vacant;

(f) without a good reason gives up a place on such a scheme or programme or fails to attend such a scheme or programme having been given a place on it;

(g) through misconduct loses a place on such a scheme or programme.

(3) But a failure is not sanctionable under this Article if it is also sanctionable under Article 21.

(4) Regulations are to provide for—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect.

(5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—

(a) a period continuing until the claimant meets a compliance condition specified by the Department,

(b) a fixed period not exceeding 26 weeks which is—

(i) specified in the regulations, or

(ii) determined in any case by the Department, or

(c) a combination of both.

(6) In paragraph (5)(a) "compliance condition" means—

(a) a condition that the failure ceases, or

(b) a condition relating to—

(i) future compliance with a jobseeker's direction or any requirement imposed under Article 10(1) or (1A) or 19A, or

(ii) future avoidance of the failures referred to in paragraph (2)(d) to (g).

(7) A compliance condition specified under paragraph (5)(a) may be—

(a) revoked or varied by the Department;

(b) notified to the claimant in such manner as the Department may determine.

(8) The period fixed under paragraph (5)(b) may in particular depend on either or both of the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(9) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(10) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants which is sanctionable under this Article, the allowance is payable to the other member of the couple.

(11) In this Article—

(a) "jobseeker's direction" means a direction given by an employment officer (in such manner as he thinks fit) with a view to achieving one or both of the following—

(i) assisting the claimant to find employment;

(ii) improving the claimant's prospects of being employed;

(b) "training scheme" and "employment programme" have such meaning as may be prescribed.

Claimants ceasing to be available for employment etc.

21B.—(1) Regulations may make provision for reduction of the amount of an award of a jobseeker's allowance other than a joint-claim jobseeker's allowance if the claimant—

(a) was previously entitled to such an allowance or was a member of a couple entitled to a joint-claim jobseeker's allowance, and

(b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c) (availability for employment and actively seeking employment).

(2) Regulations may make provision for reduction of the amount of a joint-claim jobseeker's allowance if one of the claimants—

(a) was previously entitled to a jobseeker's allowance other than a joint-claim jobseeker's allowance, and

(b) ceased to be so entitled by failing to comply with the condition in Article 3(2)(a) or (c).

(3) Regulations may make provision for reduction of the amount of an award of joint-claim jobseeker's allowance if—

(a) the couple were previously entitled to a joint-claim jobseeker's allowance but ceased to be so entitled by either or both of them failing to comply with the condition in Article 3(2)(a) or (c), or

(b) either member of the couple was a member of another couple previously entitled to such an allowance and that couple ceased to be so entitled by that person failing to comply with the condition in Article 3(2)(a) or (c).

(4) Regulations are to provide for—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect.

(5) The period referred to in paragraph (4)(b) must not include any period after the end of the period of 13 weeks beginning with the day on which the claimant's previous entitlement ceased.

(6) Regulations under paragraph (4)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

(a) the number of occasions on which a claimant's entitlement has ceased as specified in paragraph (1), (2) or (3);

(b) the period between such occasions.

(7) Regulations may provide for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination.

(8) During any period for which the amount of a joint-claim jobseeker's allowance is reduced under this Article by virtue of a failure by one of the claimants to comply with the condition in Article 3(2)(a) or (c), the allowance is payable to the other member of the couple.

Hardship payments

21C.—(1) Regulations may make provision for the making of payments ("hardship payments") by way of a jobseeker's allowance to a claimant where—

(a) the amount of the claimant's award is reduced under Articles 21 to 21B, and

(b) the claimant is or will be in hardship.

(2) Regulations under this Article may in particular make provision as to—

(a) circumstances in which a claimant is to be treated as being or not being in hardship;

(b) matters to be taken into account in determining whether a claimant is or will be in hardship;

(c) requirements or conditions to be met by a claimant in order to receive hardship payments;

(d) the amount or rate of hardship payments;

(e) the period for which hardship payments may be made;

(f) whether hardship payments are recoverable."**]**

(2) **[**[F21]In Schedule 1 to that Order—

(a) in the heading preceding paragraph 14B for "or just cause" substitute " reason ";

(b) before paragraph 14B insert—

"**14AA.** For any purpose of this Order regulations may provide for—

(a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;

(b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.";

(c) in paragraph 14B, in sub-paragraph (1)—

(i) for "this Order" substitute " paragraph 14AA ";

(ii) for "good cause or just cause" substitute " a good reason ".**]**

(3) In Schedule 3 to the Social Security (Northern Ireland) Order 1998 (decisions against which an appeal lies), in paragraph 3, sub-paragraphs (ca) and (d) are repealed.

Textual Amendments

F20 Art. 52(1) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F21 Art. 52(2) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I159 Art. 52 in operation at 1.6.2016 for specified purposes by S.R. 2016/234, **art. 2(2)(a)(i)**

I160 Art. 52 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 3(1)**(2)(c)

Procedure for regulation-making powers

53. In Article 37 of the Jobseekers Order (Assembly, etc. control), in paragraph (1)(c) (regulations subject to confirmatory procedure), "8, 9," is repealed.

Commencement Information

I161 Art. 53 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(2)(a)**

Consequential amendments

54. Schedule 7 contains consequential amendments relating to Articles 50 to 52.

Commencement Information

I162 Art. 54 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(3)(a)(ii)**

Claimant responsibilities after introduction of universal credit

Claimant responsibilities for jobseeker's allowance

55.—(1) The Jobseekers Order is amended as follows.

(2) In Article 2 (interpretation), in paragraph (2), at the appropriate places insert—

""work availability requirement" has the meaning given by Article 8E;";

""work preparation requirement" has the meaning given by Article 8C;";

""work search requirement" has the meaning given by Article 8D;";

""work-focused interview requirement" has the meaning given by Article 8B;";

""work-related requirement" has the meaning given by Article 8;".

(3) In Article 3(2) (conditions of entitlement), sub-paragraphs (a) and (c) are repealed.

(4) For Articles 8 to 12 (and the italic heading preceding Article 8) substitute—

"Work-related requirements

Work-related requirements

8.—(1) The following provisions provide for the Department to impose work-related requirements with which claimants must comply for the purposes of this Order.

(2) In this Order "work-related requirement" means—

(a) a work-focused interview requirement (see Article 8B);

(b) a work preparation requirement (see Article 8C);

(c) a work search requirement (see Article 8D);

(d) a work availability requirement (see Article 8E).

Claimant commitment

8A.—(1) A claimant commitment is a record of a claimant's responsibilities in relation to an award of a jobseeker's allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) a record of the requirements that the claimant must comply with under this Order (or such of them as the Department considers it appropriate to include),

(b) any prescribed information, and

(c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Order a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

Work-focused interview requirement

8B.—(1) In this Order a "work-focused interview requirement" is a requirement that a claimant participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under paragraph (2) include in particular that of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focused interview is to take place.

Work preparation requirement

8C.—(1) In this Order a "work preparation requirement" is a requirement that a claimant take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the claimant will obtain paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1) includes in particular—

(a) attending a skills assessment;

(b) improving personal presentation;

(c) participating in training;

(d) participating in an employment programme;

(e) undertaking work experience or a work placement;

(f) developing a business plan;

(g) any action prescribed for the purpose in paragraph (1).

Work search requirement

8D.—(1) In this Order a "work search requirement" is a requirement that a claimant take—

(a) all reasonable action, and

(b) any particular action specified by the Department,

for the purpose of obtaining paid work (or more paid work or better-paid work).

(2) The Department may under paragraph (1)(b) specify the time to be devoted to any particular action.

(3) Action which may be specified under paragraph (1)(b) includes in particular—

(a) carrying out work searches;

(b) making applications;

(c) creating and maintaining an online profile;

(d) registering with an employment agency;

(e) seeking references;

(f) any other action prescribed for the purpose in paragraph (1).

(4) Regulations may impose limitations on a work search requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(5) A limitation under paragraph (4) may in particular be by reference to—

(a) work of a particular nature,

(b) work with a particular level of remuneration,

(c) work in particular locations, or

(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

Work availability requirement

8E.—(1) In this Order a "work availability requirement" is a requirement that a claimant be available for work.

(2) For the purposes of this Article "available for work" means able and willing immediately to take up paid work (or more paid work or better-paid work).

(3) Regulations may impose limitations on a work availability requirement by reference to the work to which it relates; and the Department may in any particular case specify further such limitations on such a requirement.

(4) A limitation under paragraph (3) may in particular be by reference to—

(a) work of a particular nature,

(b) work with a particular level of remuneration,

(c) work in particular locations, or

(d) work available for a certain number of hours per week or at particular times,

and may be indefinite or for a particular period.

(5) Regulations may for the purposes of paragraph (2) define what is meant by able and willing immediately to take up work.

Imposition of work-related requirements

8F.—(1) The Department must, except in prescribed circumstances, impose on a claimant—

(a) a work search requirement, and

(b) a work availability requirement.

(2) The Department may, subject to this Order, impose either or both of the following on a claimant—

(a) a work-focused interview requirement;

(b) a work preparation requirement.

Connected requirements

8G.—(1) The Department may require a claimant to participate in an interview for any purpose relating to—

(a) the imposition of a work-related requirement on the claimant;

(b) verifying the claimant's compliance with a work-related requirement;

(c) assisting the claimant to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying the claimant's compliance with a work-related requirement, require a claimant to—

(a) provide to the Department information and evidence specified by the Department in a manner so specified;

(b) confirm compliance in a manner so specified.

(4) The Department may require a claimant to report to the Department any specified changes in the claimant's circumstances which are relevant to—

(a) the imposition of work-related requirements on the claimant;

(b) the claimant's compliance with a work-related requirement.

Imposition of work-related and connected requirements: supplementary

8H.—(1) Regulations may make provision—

(a) where the Department may impose a requirement under the preceding provisions, as to when the requirement must or must not be imposed;

(b) where the Department may specify any action to be taken in relation to a requirement under the preceding provisions, as to what action must or must not be specified;

(c) where the Department may specify any other matter in relation to such a requirement, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under Article 8C(1) or 8D(1)(b), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under the preceding provisions, the Department may revoke or change what has been imposed or specified.

(5) Where the Department may specify any action to be taken in relation to a requirement imposed under the preceding provisions, the Department may revoke or change what has been specified.

(6) Notification of a requirement imposed under the preceding provisions (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a claimant has recently been a victim of domestic violence—

(a) a requirement imposed on the claimant under the preceding provisions ceases to have effect for a period of 13 weeks, and

(b) the Department may not impose any other requirement on the claimant during that period.

(8) For the purposes of paragraph (7)—

(a) "domestic violence" has such meaning as may be prescribed;

(b) "victim of domestic violence" means a person on or against whom domestic violence is inflicted or threatened (and regulations under paragraph (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);

(c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

Compliance with work-related and connected requirements

8I. Regulations may make provision as to circumstances in which a claimant is to be treated as having—

(a) complied with or not complied with any requirement imposed under the preceding provisions or any aspect of such a requirement, or

(b) taken or not taken any particular action specified by the Department in relation to such a requirement.

Higher-level sanctions

8J.—(1) The amount of an award of jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) fails for no good reason to comply with a requirement imposed under a work preparation requirement to undertake a work placement of a prescribed description;

(b) fails for no good reason to comply with a requirement imposed under a work search requirement to apply for a particular vacancy for paid work;

(c) fails for no good reason to comply with a work availability requirement by not taking up an offer of paid work;

(d) by reason of misconduct, or voluntarily and for no good reason, ceases paid work or loses pay.

(3) It is a failure sanctionable under this Article if, at any time before making the claim by reference to which the award is made, the claimant—

(a) for no good reason failed to take up an offer of paid work, or

(b) by reason of misconduct, or voluntarily and for no good reason, ceased paid work or lost pay.

(4) For the purposes of paragraphs (2) and (3) regulations may provide—

(a) for circumstances in which ceasing to work or losing pay is to be treated as occurring or not occurring by reason of misconduct or voluntarily;

(b) for loss of pay below a prescribed level to be disregarded.

(5) Regulations are to specify—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect, not exceeding 18 months in relation to any failure sanctionable under this Article.

(6) Regulations under paragraph (5)(b) may in particular provide for the period of a reduction to depend on either or both of the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(7) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this Article.

Other sanctions

8K.—(1) The amount of an award of a jobseeker's allowance is to be reduced in accordance with this Article in the event of a failure by a claimant which is sanctionable under this Article.

(2) It is a failure sanctionable under this Article if a claimant—

(a) fails for no good reason to comply with a work-related requirement;

(b) fails for no good reason to comply with a requirement under Article 8G.

(3) But a failure by a claimant is not sanctionable under this Article if it is also a failure sanctionable under Article 8J.

(4) Regulations must specify—

(a) the amount of a reduction under this Article;

(b) the period for which such a reduction has effect.

(5) Regulations under paragraph (4)(b) may provide that a reduction under this Article in relation to any failure is to have effect for—

(a) a period continuing until the claimant meets a compliance condition specified by the Department,

(b) a fixed period not exceeding 26 weeks which is—

(i) specified in the regulations, or

(ii) determined in any case by the Department, or

(c) a combination of both.

(6) In paragraph (5)(a) "compliance condition" means—

(a) a condition that the failure ceases, or

(b) a condition relating to future compliance with a work-related requirement or a requirement under Article 8G.

(7) A compliance condition specified under paragraph (5)(a) may be—

(a) revoked or varied by the Department;

(b) notified to the claimant in such manner as the Department may determine.

(8) A period fixed under paragraph (5)(b) may in particular depend on either or both the following—

(a) the number of failures by the claimant sanctionable under this Article;

(b) the period between such failures.

(9) Regulations may provide—

(a) for cases in which no reduction is to be made under this Article;

(b) for a reduction under this Article made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this Article.

Concurrent exercise of certain functions by Department for Employment and Learning

8L.—(1) The Department for Employment and Learning may exercise, concurrently with the Department, the functions of the Department under the provisions of this Part specified in paragraph (2); and references to the Department in those provisions are to be construed accordingly.

(2) The provisions are—

(a) Article 8A(2) and (4)(a) and (c);

(b) Article 8B(1), (3) and (4);

(c) Article 8C(1) and (2);

(d) Article 8D(1)(b), (2) and (4);

(e) Article 8E(3);

(f) Article 8G(1), (2), (3) and (4);

(g) Article 8H(1)(b) and (c), (3) and (5);

(h) Article 8I(b).

Delegation and contracting out

8M.—(1) The functions of the Department under Articles 8 to 8I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an "authorised person").

(2) An authorisation given by virtue of this Article may authorise the exercise of a function—

(a) wholly or to a limited extent;

(b) generally or in particular cases or areas;

(c) unconditionally or subject to conditions.

(3) An authorisation under this Article—

(a) may specify its duration;

(b) may be varied or revoked at any time by the Department;

(c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Paragraph (4) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

(a) the authorisation of an authorised person is revoked, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(7) This Article applies in relation to the functions exercisable by the Department for Employment and Learning by virtue of Article 8L as it applies in relation to the functions of the Department mentioned in paragraph (1); and references to the Department in paragraphs (1) to (6) are to be construed accordingly."

(5) In Article 31 (pilot schemes), in paragraph (8), for the words from "ascertaining" to the end substitute—

"testing the extent to which the provision made by the regulations is likely to promote—

(a) people remaining in work, or

(b) people obtaining or being able to obtain work (or more work or better-paid work)."

Commencement Information

I163 Art. 55(1)(2)(4) in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(3)(a)(iii)**

I164 Art. 55(1)-(5) in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, **art. 9** (with arts. 10-25)

CHAPTER 2

Employment and support allowance

Conditions of entitlement

Dual entitlement

56. In section 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance), after subsection (6) insert—

"(6A) In subsection (3)(f), in relation to a contributory allowance, the reference to a couple entitled to a joint-claim jobseeker's allowance does not include a couple so entitled by virtue of regulations under paragraph 8A of Schedule 1 to the Jobseekers Order."

Commencement Information

I165 Art. 56 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(2)(b)(i)**

Period of entitlement to contributory allowance

57.—(1) After section 1 of the Welfare Reform Act (Northern Ireland) 2007 insert—

"**1A Duration of contributory allowance**

(1) The period for which a person is entitled to a contributory allowance by virtue of the first and second conditions set out in Part 1 of Schedule 1 shall not exceed, in the aggregate, the relevant maximum number of days in any period for which his entitlement is established by reference (under the second condition set out in Part 1 of Schedule 1) to the same two tax years.

(2) In subsection (1) the "relevant maximum number of days" is—

(a) 365 days; or

(b) if the Department by order specifies a greater number of days, that number of days.

(3) The fact that a person's entitlement to a contributory allowance has ceased as a result of subsection (1) does not prevent his being entitled to a further such allowance if—

(a) he satisfies the first and second conditions set out in Part 1 of Schedule 1, and

(b) the two tax years by reference to which he satisfies the second condition include at least one year which is later than the second of the two years by reference to which (under the second condition) his previous entitlement was established.

(4) The period for which a person is entitled to a contributory allowance by virtue of the third condition set out in Part 1 of Schedule 1 (youth) shall not exceed—

(a) 365 days; or

(b) if the Department by order specifies a greater number of days, that number of days.

(5) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, the following are not to be counted—

(a) days in which the person is a member of the support group,

(b) days not falling within paragraph (a) in respect of which the person is entitled to the support component referred to in section 2(1)(b), and

(c) days in the assessment phase, where the days immediately following that phase fall within paragraph (a) or (b).

(6) In calculating for the purposes of subsection (1) or (4) the length of the period for which a person is entitled to a contributory allowance, days occurring before the coming into operation of this section are to be counted (as well as those occurring afterwards).”

(2) In section 25 of that Act (regulations)—

(a) in the heading, after “regulations” insert “ and orders ”;

(b) in subsections (1) and (2) after “regulations” insert “ or an order ”.

(3) In section 26 of that Act (Assembly control) in subsection (1) after “this Part” insert “ or any order made under section 1A ”.

(4) In Schedule 4 to that Act (transition relating to Part 1), in paragraph 7(2), at the end insert—

“(f) make provision modifying the application of section 1A in relation to awards of an employment and support allowance to persons previously entitled to existing awards.”

Commencement Information

I166 Art. 57(1)-(3) in operation at 28.11.2016 by S.R. 2016/46, **art. 5(a)** (as substituted by S.R. 2016/166, art. 3)

I167 Art. 57(4) in operation at 17.3.2016 by S.R. 2016/46, **art. 5(a)** (as substituted by S.R. 2016/166, art. 3)

Further entitlement after time-limiting

58.—(1) After section 1A of the Welfare Reform Act (Northern Ireland) 2007 (as inserted by Article 57) insert—

“**1B Further entitlement after time-limiting**

(1) Where a person's entitlement to a contributory allowance has ceased as a result of section 1A(1) or (4) but—

(a) the person has not at any subsequent time ceased to have (or to be treated as having) limited capability for work,

(b) the person satisfies the basic conditions, and

(c) the person has (or is treated as having) limited capability for work-related activity,

the claimant is entitled to an employment and support allowance by virtue of this section.

(2) An employment and support allowance entitlement which is based on this section is to be regarded as a contributory allowance for the purposes of this Part.”

(2) In section 1 of that Act (employment and support allowance), in the definition of “contributory allowance” in subsection (7), after “subsection (2)(a)” insert “ (and see section 1B(2)) ”.

Commencement Information

I168 Art. 58 in operation at 28.11.2016 by S.R. 2016/46, **art. 5(a)** (as substituted by S.R. 2016/166, art. 3)

Condition relating to youth

59. In section 1 of the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance), after subsection (3) insert—

"(3A) After the coming into operation of this subsection no claim may be made for an employment and support allowance by virtue of the third condition set out in Part 1 of Schedule 1 (youth)."

Commencement Information

I169 Art. 59 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(2)(b)(ii)**

Claimant responsibilities for interim period

Claimant commitment for employment and support allowance

60.—(1) The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

(2) In section 1(3) (employment and support allowance) after paragraph (a) insert—

"(aa) has accepted a claimant commitment,".

(3) **[**[F22]After section 1B (as inserted by Article 58) insert—

"**Claimant commitment**

(1) For the purposes of this Part a "claimant commitment" is a record of the claimant's responsibilities in relation to an award of an employment and support allowance.

(2) A claimant commitment is to be prepared by the Department or the Department for Employment and Learning and may be reviewed and updated as that department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) any prescribed information, and

(b) any other information the Department or the Department for Employment and Learning considers it appropriate to include.

(5) For the purposes of this Part a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

(6) Regulations may provide that, in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 1(3)(aa)."**]**

(4) **[**[F23]In section 15(2)(b) (directions about work-related activity) for the words from "by" to "14" substitute " in such manner as the Department or the Department for Employment and Learning thinks fit ".**]**

(5) **[**[F24]In section 16(1) (contracting out) before paragraph (a) insert—

"(za) any function under section 1C in relation to a claimant commitment;".**]**

(6) In Schedule 2 (supplementary provisions) after paragraph 4 insert—

"Exemption

4A. Regulations may prescribe circumstances in which a person may be entitled to employment and support allowance without having accepted a claimant commitment."

(7) In section 25(2) of the Welfare Reform Act (Northern Ireland) 2010 (action plans: well-being of children), in subsection (5) inserted into section 14 of the Welfare Reform Act (Northern Ireland) 2007—

(a) after "preparing any" insert " claimant commitment or ";

(b) after "action plan," insert " the Department or ".

Textual Amendments

F22 Art. 60(3)-(5) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 5**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F23 Art. 60(3)-(5) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 5**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F24 Art. 60(3)-(5) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 5**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I170 Art. 60 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(3)(b)**

I171 Art. 60(1)(2) in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, **art. 9** (with arts. 10-25)

Work experience etc.

61. [[F25]In section 13 of the Welfare Reform Act (Northern Ireland) 2007 (work-related activity), after subsection (7) insert—

"(8) The reference to activity in subsection (7) includes work experience or a work placement."**]**

Textual Amendments

F25 Art. 61 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 5**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I172 Art. 61 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(d)

Hardship payments

62. After section 16 of the Welfare Reform Act (Northern Ireland) 2007 insert—

"**16A Hardship payments**

(1) Regulations may make provision for the making of payments ("hardship payments") by way of an employment and support allowance to a person where—

(a) the amount otherwise payable to the person in respect of an employment and support allowance is reduced by virtue of regulations under section 11(3), 12(3) or 13(3), and

(b) the person is or will be in hardship.

(2) Regulations under this section may in particular make provision as to—

(a) circumstances in which a person is to be treated as being or not being in hardship;

(b) matters to be taken into account in determining whether a person is or will be in hardship;

(c) requirements or conditions to be met by a person in order to receive hardship payments;

(d) the amount or rate of hardship payments;

(e) the period for which hardship payments may be made."

Commencement Information

I173 Art. 62 in operation at 1.6.2016 by S.R. 2016/234, **art. 2(2)(b)**

Claimant responsibilities after introduction of universal credit

Claimant responsibilities for employment and support allowance

63.—(1) The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

(2) For sections 11 to 16 (and the italic heading preceding section 11) substitute—

"Work-related requirements

11 Work-related requirements

(1) The following provisions of this Part provide for the Department to impose work-related requirements with which persons entitled to an employment and support allowance must comply for the purposes of this Part.

(2) In this Part "work-related requirement" means—

(a) a work-focused interview requirement (see section 11B);

(b) a work preparation requirement (see section 11C).

(3) The work-related requirements which may be imposed on a person depend on which of the following groups the person falls into—

(a) persons subject to no work-related requirements (see section 11D);

(b) persons subject to work-focused interview requirement only (see section 11E);

(c) persons subject to work-focused interview and work preparation requirements (see section 11F).

11A Claimant commitment

(1) A claimant commitment is a record of the responsibilities of a person entitled to an employment and support allowance in relation to the award of the allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) a record of the requirements that the person must comply with under this Part (or such of them as the Department considers it appropriate to include),

(b) any prescribed information, and

(c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Part a person accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

11B Work-focused interview requirement

(1) In this Part a "work-focused interview requirement" is a requirement that a person participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Department that the person will obtain paid work (or more paid work or better-paid work).

(4) The Department may specify how, when and where a work-focused interview is to take place.

11C Work preparation requirement

(1) In this Part a "work preparation requirement" is a requirement that a person take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the person will obtain paid work (or more paid work or better-paid work).

(2) The Department may under subsection (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under subsection (1) includes in particular—

(a) attending a skills assessment;

(b) improving personal presentation;

(c) participating in training;

(d) participating in an employment programme;

(e) undertaking work experience or a work placement;

(f) developing a business plan;

(g) any action prescribed for the purpose in subsection (1).

(4) The action which may be specified under subsection (1) includes taking part in a work-focused health-related assessment.

(5) In subsection (4) "work-focused health-related assessment" means an assessment by a health care professional approved by the Department which is carried out for the purpose of assessing—

(a) the extent to which the person's capability for work may be improved by taking steps in relation to the person's physical or mental condition, and

(b) such other matters relating to the person's physical or mental condition and the likelihood of the person obtaining or remaining in work or being able to do so as may be prescribed.

(6) In subsection (5) "health care professional" means—

(a) a registered medical practitioner,

(b) a registered nurse,

(c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or

(d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as may be prescribed.

11D Persons subject to no work-related requirements

(1) The Department may not impose any work-related requirement on a person falling within this section.

(2) A person falls within this section if—

(a) the person has limited capability for work and work-related activity,

(b) the person has regular and substantial caring responsibilities for a severely disabled person,

(c) the person is a single person responsible for a child under the age of one,

(d) the person is of a prescribed description.

(3) Where a person falls within this section, any work-related requirement previously applying to the person ceases to have effect.

(4) In this section—

"regular and substantial caring responsibilities" has such meaning as may be prescribed;

"severely disabled" has such meaning as may be prescribed.

11E Persons subject to work-focused interview requirement only

(1) A person falls within this section if—

(a) the person is a single person responsible for a child who is aged at least one and is under a prescribed age (which may not be less than 3), or

(b) the person is of a prescribed description.

(2) The Department may, subject to this Part, impose a work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.

(3) The Department may not impose a work preparation requirement on a person falling within this section (and, where a person falls within this section, a work preparation requirement previously applying to the person ceases to have effect).

11F Persons subject to work preparation and work-focused interview requirement

(1) A person who does not fall within section 11D or 11E falls within this section.

(2) The Department may, subject to this Part, impose a work preparation requirement or work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.

11G Connected requirements

(1) The Department may require a person entitled to an employment and support allowance to participate in an interview for any purpose relating to—

(a) the imposition of a work-related requirement on the person;

(b) verifying the person's compliance with a work-related requirement;

(c) assisting the person to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying a person's compliance with a work-related requirement, require the person to—

(a) provide to the Department information and evidence specified by the Department in a manner so specified;

(b) confirm compliance in a manner so specified.

(4) The Department may require a person to report to the Department any specified changes in that person's circumstances which are relevant to—

(a) the imposition of work-related requirements on the person;

(b) the person's compliance with a work-related requirement.

11H Imposition of requirements

(1) Regulations may make provision—

(a) where the Department may impose a requirement under this Part, as to when the requirement must or must not be imposed;

(b) where the Department may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;

(c) where the Department may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under section 11C(1), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under this Part, the Department may revoke or change what has been imposed or specified.

(5) Where the Department may specify any action to be taken in relation to a requirement imposed under this Part, the Department may revoke or change what has been specified.

(6) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a person has recently been a victim of domestic violence—

(a) a requirement imposed on that person under this Part ceases to have effect for a period of 13 weeks, and

(b) the Department may not impose any other requirement on that person during that period.

(8) For the purposes of subsection (7)—

(a) "domestic violence" has such meaning as may be prescribed;

(b) "victim of domestic violence" means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);

(c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

11I Compliance with requirements

11I. Regulations may make provision as to circumstances in which a person is to be treated as having—

(a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or

(b) taken or not taken any particular action specified by the Department in relation to such a requirement.

11J Sanctions

(1) The amount of an award of an employment and support allowance is to be reduced in accordance with this section in the event of a failure by a person which is sanctionable under this section.

(2) It is a failure sanctionable under this section if a person—

(a) fails for no good reason to comply with a work-related requirement;

(b) fails for no good reason to comply with a requirement under section 11G.

(3) Regulations are to specify—

(a) the amount of a reduction under this section, and

(b) the period for which such a reduction has effect.

(4) Regulations under subsection (3)(b) may provide that a reduction under this section in relation to any failure is to have effect for—

(a) a period continuing until the person meets a compliance condition specified by the Department,

(b) a fixed period not exceeding 26 weeks which is—

(i) specified in the regulations, or

(ii) determined in any case by the Department, or

(c) a combination of both.

(5) In subsection (4)(a) "compliance condition" means—

(a) a condition that the failure ceases, or

(b) a condition relating to future compliance with a work-related requirement or a requirement under section 11G.

(6) A compliance condition specified under subsection (4)(a) may be—

(a) revoked or varied by the Department;

(b) notified to the person in such manner as the Department may determine.

(7) A period fixed under subsection (4)(b) may in particular depend on either or both the following—

(a) the number of failures by the person sanctionable under this section;

(b) the period between such failures.

(8) Regulations may provide—

(a) for cases in which no reduction is to be made under this section;

(b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;

(c) for the termination or suspension of a reduction under this section.

11K Concurrent exercise of certain functions by Department for Employment and Learning

(1) The Department for Employment and Learning may exercise, concurrently with the Department, the functions of the Department under the provisions of this Part specified in subsection (2); and references to the Department in those provisions are to be construed accordingly.

(2) The provisions are—

(a) section 11A(2) and (4)(a) and (c);

(b) section 11B(1), (3) and (4);

(c) section 11C(1) and (2);

(d) section 11G(1), (2), (3) and (4);

(e) section 11H(1)(b) and (c), (3) and (5);

(f) section 11I(b).

11L Delegation and contracting out

(1) The functions of the Department under sections 11 to 11I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an "authorised person").

(2) An authorisation given by virtue of this section may authorise the exercise of a function—

(a) wholly or to a limited extent;

(b) generally or in particular cases or areas;

(c) unconditionally or subject to conditions.

(3) An authorisation under this section—

(a) may specify its duration;

(b) may be varied or revoked at any time by the Department;

(c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department or (as the case may be) an officer of the Department.

(5) Subsection (4) does not apply—

(a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or

(b) for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

(a) the authorisation of an authorised person is revoked, and

(b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(7) This section applies in relation to the functions exercisable by the Department for Employment and Learning by virtue of section 11K as it applies in relation to the functions of the Department mentioned in subsection (1); and references to the Department in subsections (1) to (6) are to be construed accordingly."

(3) In section 19 (pilot schemes), in subsection (3), for the words from "ascertaining" to the end substitute—

"testing the extent to which the provision made by the regulations is likely to promote—

(a) people remaining in work, or

(b) people obtaining or being able to obtain work (or more work or better-paid work)."

(4) In section 24 (interpretation), in subsection (1)—

(a) at the appropriate places insert—

""child" means a person under the age of 16;";

""single person" means an individual who is not a member of a couple (within the meaning of Part 2 of the Welfare Reform (Northern Ireland) Order 2015);";

""work" has such meaning as may be prescribed;";

""work-focused interview requirement" has the meaning given by section 11B;";

""work preparation requirement" has the meaning given by section 11C;";

""work-related requirement" has the meaning given by section 11;";

(b) for the definition of "work-related activity" substitute—

""work-related activity", in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;".

(5) In section 25 (regulations), in subsection (3), for "to 15" substitute " to 11J ".

(6) In Schedule 2 (supplementary)—

(a) in the heading preceding paragraph 10A, for "cause" substitute " reason ";

(b) before paragraph 10A insert—

"**10ZA.** Regulations may for any purpose of this Part provide for—

(a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;

(b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.";

(c) in paragraph 10A, in sub-paragraph (1)—

(i) for "section 11, 12 or 13" substitute " paragraph 10ZA ";

(ii) for "good cause" substitute " a good reason ".

(7) In that Schedule, after paragraph 10A insert—

"Responsibility for children

10B. Regulations may for any purpose of this Part specify circumstances in which a person is or is not responsible for a child."

(8) In that Schedule, in paragraph 13 (information), for "13" substitute " 11K ".

Commencement Information

I174 Art. 63 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(3)(b)**

I175 Art. 63(1)(2)(4)(5)(8) in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, **art. 9** (with arts. 10-25)

CHAPTER 3

Income support

Entitlement of lone parents to income support etc.

64.—(1) In section 123(1A)(b) of the Contributions and Benefits Act (lone parents with a child under 7 to be included in regulations as a category of person entitled to income support), for "7" substitute " 5 ".

(2) **[**[F26]In section 8 of the Welfare Reform Act (Northern Ireland) 2010 (Assembly procedure: regulations imposing work-related activity requirements on lone parents of children under 7), in the heading and in subsection (1), for "7" substitute " 5 ".**]**

Textual Amendments

F26 Art. 64(2) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 5**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information
I176 Art. 64 in operation at 16.1.2017 by S.R. 2016/46, **art. 5(b)**

PROSPECTIVE

Claimant commitment for income support

65.—(1) The Contributions and Benefits Act is amended as follows.

(2) In section 123 (income support)—

(a) in subsection (1), after paragraph (e) insert—

"(ea) he has accepted a claimant commitment;";

(b) after subsection (1B) insert—

"(1C) Regulations may prescribe circumstances in which a person may be entitled to income support without having accepted a claimant commitment."

(3) After that section insert—

"**123A Claimant commitment**

(1) For the purposes of this Part a "claimant commitment" is a record of the claimant's responsibilities in relation to an award of income support.

(2) A claimant commitment is to be prepared by the Department or the Department for Employment and Learning and may be reviewed and updated as that department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

(a) any prescribed information, and

(b) any other information the Department or the Department for Employment and Learning considers it appropriate to include.

(5) For the purposes of section 123 and this section a claimant accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

(6) Regulations may provide that in prescribed circumstances, a claimant is to be treated as having satisfied the condition mentioned in section 123(1)(ea)."

(4) In section 2F of the Administration Act (directions about work-related activity), in subsection (3)(b), for the words from "by" to "2E" substitute " in such manner as the Department thinks fit ".

(5) In section 2G of that Act (contracting out), after subsection (1)(c) insert—

"(d) any function under section 123A of the Contributions and Benefits Act in relation to a claimant commitment."

PROSPECTIVE

CHAPTER 4

Entitlement to work

Entitlement to work: jobseeker's allowance

66.—(1) The Jobseekers Order is amended as follows.

(2) In Article 3 (jobseeker's allowance), in paragraph (2), before sub-paragraph (a) insert—

"(za) is entitled to be in employment in the United Kingdom;".

(3) In that Article, after paragraph (3) insert—

"(3A) For the purposes of paragraph (2)(za), a person is entitled to be in employment in the United Kingdom if, and only if—

(a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or

(b) the person has been granted such leave and—

(i) the leave is not invalid,

(ii) the leave has not for any reason ceased to have effect, and

(iii) the leave is not subject to a condition preventing the person from accepting any employment."

(4) In Schedule 1 (supplementary provisions), after paragraph 8 insert—

"**8ZA.** Regulations may prescribe circumstances in which a person may be entitled to a jobseeker's allowance without being entitled to be in employment in the United Kingdom."

Entitlement to work: employment and support allowance

67.—(1) The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

(2) In section 1 (employment and support allowance), in subsection (3), before paragraph (a) insert—

"(za) is entitled to be in employment in the United Kingdom,".

(3) In that section, after subsection (3A) insert—

"(3B) For the purposes of subsection (3)(za), a person is entitled to be in employment in the United Kingdom if, and only if—

(a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or

(b) the person has been granted such leave and—

(i) the leave is not invalid,

(ii) the leave has not for any reason ceased to have effect, and

(iii) the leave is not subject to a condition preventing the person from accepting any employment."

(4) In Schedule 2 (supplementary provisions), after paragraph 4A (as inserted by Article 60) insert—

"Entitlement to work in the United Kingdom

4B. Regulations may provide that in prescribed circumstances a person who is not entitled to be in employment in the United Kingdom may nevertheless be entitled to an employment and support allowance."

Entitlement to work: maternity allowance and statutory payments

68.—(1) The Contributions and Benefits Act is amended as follows.

(2) In section 35 (state maternity allowance)—

(a) in subsection (1), after paragraph (d) insert—

"and

(e) at the commencement of the week referred to in paragraph (a) above she was entitled to engage in the employment referred to in paragraph (b) above.";

(b) in subsection (3), before paragraph (a) insert—

"(za) for circumstances in which subsection (1)(e) above does not apply;".

(3) In section 160 (statutory maternity pay)—

(a) in subsection (2), after paragraph (a) insert—

"(aa) that at the end of the week immediately preceding that 14th week she was entitled to be in that employment;";

(b) in subsection (9), after paragraph (d) insert—

"(da) provide for circumstances in which subsection (2)(aa) above does not apply;".

(4) In section 167ZA (statutory paternity pay: birth)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) that at the end of the relevant week he was entitled to be in that employment;";

(b) after subsection (3) insert—

"(3A) Regulations may provide for circumstances in which subsection (2)(ba) above does not apply."

(5) In section 167ZB (statutory paternity pay: adoption)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) that at the end of the relevant week he was entitled to be in that employment;";

(b) after subsection (3) insert—

"(3A) Regulations may provide for circumstances in which subsection (2)(ba) above does not apply."

(6) In section 167ZL (statutory adoption pay: entitlement)—

(a) in subsection (2), after paragraph (b) insert—

"(ba) that at the end of the relevant week he was entitled to be in that employment;";

(b) in subsection (3), after "(2)(b)" insert " , (ba) ";

(c) in subsection (8), before paragraph (a) insert—

"(za) exclude the application of subsection (2)(ba) above in prescribed circumstances;".

(7) After section 169 (age) insert—

"**169A Entitlement to be in employment**

169A. For the purposes of this Act a person is entitled to engage in or to be in any employment if (and only if)—

(a) the person does not under the Immigration Act 1971 require leave to enter or remain in the United Kingdom, or

(b) the person has been granted such leave and—

(i) the leave is not invalid,

(ii) the leave has not for any reason ceased to have effect, and

(iii) the leave is not subject to a condition preventing the person from accepting that employment."

(8) In Schedule 11 (statutory sick pay: circumstances in which periods of entitlement do not arise)—

(a) in paragraph 2, after sub-paragraph (h) insert—

"(i) the employee is not entitled to be in his employment on the relevant date.";

(b) after paragraph 8 insert—

"**9.** Paragraph 2(i) above does not apply in prescribed circumstances."

Entitlement to work: statutory shared parental pay

69.—(1) Part 12ZC of the Contributions and Benefits Act (inserted by section 5 of the Work and Families Act (Northern Ireland) 2015) is amended as follows.

(2) In section 167ZU(2) (entitlement: birth) after paragraph (c) insert—

"(ca) that at the end of that prescribed week the claimant mother was entitled to be in that employment,".

(3) In section 167ZU(4) (entitlement: birth) after paragraph (d) insert—

"(da) that at the end of that prescribed week the claimant was entitled to be in that employment,".

(4) In section 167ZW(2) (entitlement: adoption) after paragraph (c) insert—

"(ca) that at the end of that prescribed week claimant A was entitled to be in that employment,".

(5) In section 167ZW(4) (entitlement: adoption) after paragraph (d) insert—

"(da) that at the end of that prescribed week claimant B was entitled to be in that employment,".

PART 4

Other benefit changes

Industrial injuries benefit

Injuries arising before 5th July 1948

70.—(1) In Part 5 of the Contributions and Benefits Act (industrial injuries benefit), the following provisions are repealed—

(a) in section 94(1), the words "after 4th July 1948";

(b) in section 103(2)(a), the words "after 4th July 1948";

(c) in section 108(1), the words "and which developed after 4th July 1948";

(d) in section 108(3), the words "but not before 5th July 1948";

(e) in section 109(5)(a), the words "after 4th July 1948";

(f) in section 109(5)(b) and (6)(a), the words "and developed after 4th July 1948".

(2) Accordingly, section 111 of, and Schedule 8 to, that Act (which relate to compensation and benefits in respect of industrial injuries before 5th July 1948) are repealed.

(3) The Department may make regulations subject to negative resolution—

(a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this Article, compensation or benefits were payable under section 111 of, and Schedule 8 to, the Contributions and Benefits Act;

(b) for claims for the payment of such compensation or benefit to be treated as claims for industrial injuries benefit.

(4) In paragraph (3) "industrial injuries benefit" has the meaning given by section 121(1) of the Contributions and Benefits Act.

Commencement Information

I177 Art. 70(1)(2) in operation at 31.10.2016 by S.R. 2016/234, **art. 3(2)(a)**

I178 Art. 70(3)(4) in operation at 1.6.2016 by S.R. 2016/234, **art. 2(3)(a)**

Persons under 18

71.—(1) In Schedule 4 to the Contributions and Benefits Act (rates of benefits), Part 5 (rates of industrial injuries benefit) is amended as follows.

(2) In entry 1 (which relates to disablement pension (weekly rates)), in the second column ("Rate")—

(a) in the opening words, for the words from "in that Table" to the end of paragraph (b) substitute " in column (2) of that Table. ";

(b) in the Table, column (3) is repealed.

(3) In entry 4 (which relates to the maximum of aggregate of weekly benefit payable for successive accidents), in the second column ("Rate")—

(a) paragraph (a) is repealed, except for the monetary amount specified;

(b) paragraph (b) is repealed, including the monetary amount specified.

Commencement Information

I179 Art. 71 in operation at 31.10.2016 by S.R. 2016/234, **art. 3(2)(b)**

Trainees

72.—(1) After section 95 of the Contributions and Benefits Act insert—

"**95A Employment training schemes etc.**

(1) In the industrial injuries and diseases provisions any reference to employed earner's employment shall be taken to include participation in an employment training scheme or employment training course of a prescribed description (and "employed earner" shall be construed accordingly).

(2) In those provisions, a reference to an employer, in relation to any such participation, shall be taken to be a prescribed person.

(3) In this section "industrial injuries and diseases provisions" has the same meaning as in section 95(4) above."

(2) In Article 33(1) of the Industrial Training (Northern Ireland) Order 1984 (power to make payments in respect of trainees equivalent to social security benefits payable in respect of employees), after "in pursuance of" insert " Parts 2 to 4 of ".

(3) The Department may make regulations subject to negative resolution—

(a) for, and in relation to, the payment of industrial injuries benefit to persons to whom, before the commencement of this Article, payments were payable under Article 33(1) of the Industrial Training (Northern Ireland) Order 1984;

(b) for claims for such payments to be treated as claims for industrial injuries benefit.

(4) In paragraph (3) "industrial injuries benefit" has the meaning given by section 121(1) of the Contributions and Benefits Act.

Commencement Information

I180 Art. 72(1)(2) in operation at 1.6.2016 for specified purposes by S.R. 2016/234, **art. 2(3)(b)**

I181 Art. 72(1)(2) in operation at 31.10.2016 in so far as not already in operation by S.R. 2016/234, **art. 3(2)(c)**

I182 Art. 72(3)(4) in operation at 2.5.2016 by S.R. 2016/215, **art. 2(4)**

Restriction on new claims for industrial death benefit

73. In Part 6 of Schedule 7 to the Contributions and Benefits Act (industrial death benefit), in paragraph 14, after sub-paragraph (1) insert—

"(1A) No claim may be made for industrial death benefit after the coming into operation of this sub-paragraph."

Commencement Information

I183 Art. 73 in operation at 31.10.2016 by S.R. 2016/234, **art. 3(2)(d)**

Determinations

74.—(1) Article 29(2) of the Social Security (Northern Ireland) Order 1998 (which provides for decisions as to whether an accident is an industrial accident in the absence of a claim for benefit) is repealed.

(2) In Article 30 of that Order (effect of decision), in paragraph (1), the words from "(given" to "otherwise)" are repealed.

Commencement Information

I184 Art. 74 in operation at 31.10.2016 by S.R. 2016/234, **art. 3(2)(d)**

Housing benefit

Housing benefit: determination of appropriate maximum

75.—(1) Section 129A of the Contributions and Benefits Act (appropriate maximum housing benefit) is amended as follows.

(2) In subsection (3), for "The regulations may provide" substitute " The provision which may be made by the regulations includes provision ".

(3) For subsections (4) and (5) substitute—

> "(4) The regulations may, for the purpose of determining the AMHB, provide for the amount of the liability mentioned in section 129(1)(a) above to be taken to be an amount other than the actual amount of that liability (and, without prejudice to the generality of this subsection, may provide for it to be taken to be the amount of an Executive determination).
>
> (5) The regulations may, for that purpose, make provision for determining the amount of liability under section 129(1)(a) above which a person is treated as having by virtue of regulations under section 133(2)(j) below (and, without prejudice to the generality of this subsection, may provide for that amount to be the amount of an Executive determination)."

Commencement Information

I185 Art. 75 in operation at 9.9.2016 by S.R. 2016/325, **art. 2(2)**

Social fund

Ending of discretionary payments

76.—(1) Section 134(1)(b) of the Contributions and Benefits Act (discretionary payments out of social fund) is repealed.

(2) In consequence of the provision made by paragraph (1), the office of the social fund Commissioner is abolished.

(3) Payments are to be made out of the social fund into the Consolidated Fund in respect of—

(a) amounts allocated under section 147 of the Administration Act to the making of such payments as are mentioned in section 134(1)(b) but which are not so applied in consequence of paragraph (1);

(b) sums relating to such payments as are mentioned in section 134(1)(b) that are paid into the social fund under section 144 of the Administration Act.

(4) The payments are to be such as the Department determines in accordance with any directions of the Department of Finance and Personnel to be appropriate.

(5) Paragraph (3) is not to prevent the Department from re-allocating amounts allocated under section 147(1) of the Administration Act.

(6) The Department may by order subject to negative resolution provide for the transfer of property, rights and liabilities from the social fund Commissioner.

(7) An order under this Article may—

(a) provide for the transfer of property, rights and liabilities whether or not they would otherwise be capable of being transferred;

(b) make such supplementary, incidental, consequential or transitional provision as the Department considers appropriate.

(8) Schedule 8 contains consequential amendments.

Commencement Information

I186 Art. 76(1)(3)-(8) in operation at 28.11.2016 for specified purposes by S.R. 2016/411, **art. 2(2)(a)** (with art. 4)

I187 Art. 76(2) in operation at 31.3.2017 by S.R. 2016/411, **art. 3(2)(a)**

Purposes of discretionary payments

77. In section 134 of the Contributions and Benefits Act (payments out of the social fund), in subsection (1)(b), for "to meet other needs" substitute—

"to meet—

(i) other needs, and

(ii) in the case of payments by way of budgeting loan, those needs for which provision is made by paragraph (a),".

Commencement Information

I188 Art. 77 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(3)**

Determination of amount or value of budgeting loan

78.—(1) Section 136 of the Contributions and Benefits Act (principles of determination) is amended as follows.

(2) In subsection (4), after paragraph (d) insert—

"(da) that the amount or value of a budgeting loan is not to exceed a sum specified or determined as specified in the direction;".

(3) After subsection (4) insert—

"(4ZA) A direction under subsection (4)(da) may require the sum to be determined by applying, or by a method that includes applying, a multiplier specified in the direction in circumstances specified in the direction to the most recent relevant sum published by the Department.

(4ZB) A relevant sum is a sum determined from time to time by reference to so much of any relevant allocation under section 147(1) to (4) of the Administration Act as is available for making payments."

Commencement Information
I189 Art. 78 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(3)**

Community care grants

79. Sections 15 to 17 of the Welfare Reform Act (Northern Ireland) 2010 (provisions relating to community care grants), which have not been brought into operation, are repealed.

Commencement Information
I190 Art. 79 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(3)**

PROSPECTIVE

State pension credit

State pension credit: carers

80.—(1) The State Pension Credit Act (Northern Ireland) 2002 is amended as follows.

(2) In section 2 (guarantee credit), in subsection (8), for paragraphs (a) and (b) substitute—

"(a) the claimant has regular and substantial caring responsibilities, or

(b) the claimant is a member of a couple the other member of which has such responsibilities,".

(3) In section 17 (interpretation), in subsection (1), in the appropriate place insert—

""regular and substantial caring responsibilities" has such meaning as may be prescribed;".

State pension credit: capital limit

81.—(1) In section 1 of the State Pension Credit Act (Northern Ireland) 2002 (entitlement), in subsection (2)—

(a) in paragraph (b), the final "and" is repealed;

(b) at the end insert—

"and

(d) his capital does not exceed a prescribed amount."

(2) In section 19 of that Act (regulations and orders), in subsection (4), before paragraph (a) insert—

"(za) section 1(2)(d);".

Status: *Point in time view as at 16/05/2018. This version of this Order contains provisions that are not valid for this point in time.*
Changes to legislation: *The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 21 June 2024. 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)*

PART 5

Personal independence payment

Personal independence payment

Personal independence payment

82.—(1) An allowance known as personal independence payment is payable in accordance with this Part.

(2) A person's entitlement to personal independence payment may be an entitlement to—

(a) the daily living component (see Article 83);

(b) the mobility component (see Article 84); or

(c) both those components.

(3) A person is not entitled to personal independence payment unless the person meets prescribed conditions relating to residence and presence in Northern Ireland.

Commencement Information

I191 Art. 82(1)(2) in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

I192 Art. 82(3) in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(5)(a)**

I193 Art. 82(3) in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, **art. 3(2)**

Daily living component

83.—(1) A person is entitled to the daily living component at the standard rate if—

(a) the person's ability to carry out daily living activities is limited by the person's physical or mental condition; and

(b) the person meets the required period condition.

(2) A person is entitled to the daily living component at the enhanced rate if—

(a) the person's ability to carry out daily living activities is severely limited by the person's physical or mental condition; and

(b) the person meets the required period condition.

(3) In this Article, in relation to the daily living component—

(a) "the standard rate" means such weekly rate as may be prescribed;

(b) "the enhanced rate" means such weekly rate as may be prescribed.

(4) In this Part "daily living activities" means such activities as may be prescribed for the purposes of this Article.

(5) See Articles 85 and 86 for provision about determining—

(a) whether the requirements of paragraph (1)(a) or (2)(a) are met;

(b) whether a person meets "the required period condition" for the purposes of paragraph (1)(b) or (2)(b).

(6) This Article is subject to the provisions of this Part, or regulations under it, relating to entitlement to the daily living component (see in particular Articles 87 (terminal illness) and 88 (persons of pensionable age)).

Commencement Information

I194 Art. 83(1)(2)(5)(6) in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

I195 Art. 83(3)(4) in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(b)**

Mobility component

84.—(1) A person is entitled to the mobility component at the standard rate if—

(a) the person is of or over the age prescribed for the purposes of this paragraph;

(b) the person's ability to carry out mobility activities is limited by the person's physical or mental condition; and

(c) the person meets the required period condition.

(2) A person is entitled to the mobility component at the enhanced rate if—

(a) the person is of or over the age prescribed for the purposes of this paragraph;

(b) the person's ability to carry out mobility activities is severely limited by the person's physical or mental condition; and

(c) the person meets the required period condition.

(3) In this Article, in relation to the mobility component—

(a) "the standard rate" means such weekly rate as may be prescribed;

(b) "the enhanced rate" means such weekly rate as may be prescribed.

(4) In this Part "mobility activities" means such activities as may be prescribed for the purposes of this Article.

(5) See Articles 85 and 86 for provision about determining—

(a) whether the requirements of paragraph (1)(b) or (2)(b) are met;

(b) whether a person meets "the required period condition" for the purposes of paragraph (1)(c) or (2)(c).

(6) This Article is subject to the provisions of this Part, or regulations under it, relating to entitlement to the mobility component (see in particular Articles 87 and 88).

(7) Regulations may provide that a person is not entitled to the mobility component for a period (even though the requirements in paragraph (1) or (2) are met) in prescribed circumstances where the person's condition is such that during all or most of the period the person is unlikely to benefit from enhanced mobility.

Commencement Information

I196 Art. 84(1)(2)(5)(6) in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

I197 Art. 84(3)(4)(7) in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(b)**

Ability to carry out daily living activities or mobility activities

85.—(1) For the purposes of this Part, the following questions are to be determined in accordance with regulations—

(a) whether a person's ability to carry out daily living activities is limited by the person's physical or mental condition;

(b) whether a person's ability to carry out daily living activities is severely limited by the person's physical or mental condition;

(c) whether a person's ability to carry out mobility activities is limited by the person's physical or mental condition;

(d) whether a person's ability to carry out mobility activities is severely limited by the person's physical or mental condition.

(2) Regulations must make provision for determining, for the purposes of each of Articles 83(1) and (2) and 84(1) and (2), whether a person meets "the required period condition" (see further Article 86).

(3) Regulations under this Article—

(a) must provide for the questions mentioned in paragraphs (1) and (2) to be determined, except in prescribed circumstances, on the basis of an assessment (or repeated assessments) of the person;

(b) must provide for the way in which an assessment is to be carried out;

(c) must provide for relevant medical evidence to be taken into account in assessing a person and may make provision about other matters which are, or are not, to be taken into account.

(4) The regulations may, in particular, make provision—

(a) about the information or evidence required for the purpose of determining the questions mentioned in paragraphs (1) and (2);

(b) about the way in which that information or evidence is to be provided;

(c) requiring a person to participate in such a consultation, with a person approved by the Department, as may be determined under the regulations (and to attend for the consultation at a place, date and time determined under the regulations).

(5) The regulations may include provision—

(a) for a negative determination to be treated as made if a person fails without a good reason to comply with a requirement imposed under paragraph (4);

(b) about what does or does not constitute a good reason for such a failure;

(c) about matters which are, or are not, to be taken into account in determining whether a person has a good reason for such a failure.

(6) In paragraph (5)(a) a "negative determination" means a determination that a person does not meet the requirements of—

(a) Article 83(1)(a) and (b) or (2)(a) and (b) (daily living component);

(b) Article 84(1)(a) to (c) or (2)(a) to (c) (mobility component).

Commencement Information

I198 Art. 85 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(b)**

Required period condition: further provision

86.—(1) Regulations under Article 85(2) must provide for the question of whether a person meets "the required period condition" for the purposes of Article 83(1) or (2) or 84(1) or (2) to be determined by reference to—

(a) whether, as respects every time in the previous 3 months, it is likely that if the relevant ability had been assessed at that time that ability would have been determined to be limited or (as the case may be) severely limited by the person's physical or mental condition; and

(b) whether, as respects every time in the next 9 months, it is likely that if the relevant ability were to be assessed at that time that ability would be determined to be limited or (as the case may be) severely limited by the person's physical or mental condition.

(2) In paragraph (1) "the relevant ability" means—

(a) in relation to Article 83(1) or (2), the person's ability to carry out daily living activities;

(b) in relation to Article 84(1) or (2), the person's ability to carry out mobility activities.

(3) In paragraph (1)—

(a) "assessed" means assessed in accordance with regulations under Article 85;

(b) "the previous 3 months" means the 3 months ending with the prescribed date;

(c) "the next 9 months" means the 9 months beginning with the day after that date.

(4) Regulations under Article 85(2) may provide that in prescribed cases the question of whether a person meets "the required period condition" for the purposes of Article 83(1) or (2) or 84(1) or (2)—

(a) is not to be determined in accordance with the provision made by virtue of paragraphs (1) to (3);

(b) is to be determined in accordance with provision made in relation to those cases by the regulations.

Commencement Information

I199 Art. 86 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(b)**

Entitlement and payability: further provision

Terminal illness

87.—(1) This Article applies to a person who—

(a) is terminally ill; and

(b) has made a claim for personal independence payment expressly on the ground of terminal illness.

(2) A person to whom this Article applies is entitled to the daily living component at the enhanced rate (and accordingly Article 83(1) and (2) does not apply to such a person).

(3) Article 84(1)(c) and (2)(c) (required period condition for mobility component) does not apply to a person to whom this Article applies.

(4) For the purposes of this Article a person is "terminally ill" at any time if at that time the person suffers from a progressive disease and the person's death in consequence of that disease can reasonably be expected within 6 months.

(5) For the purposes of this Article, where—

(a) a person purports to make a claim for personal independence payment on behalf of another, and

(b) the claim is made expressly on the ground that the person on whose behalf it purports to be made is terminally ill,

that person is to be regarded as making the claim despite its being made without that person's knowledge or authority.

(6) In paragraph (2) "the enhanced rate" has the meaning given by Article 83(3).

Commencement Information

I200 Art. 87 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

Persons of pensionable age

88.—(1) A person is not entitled to the daily living component or the mobility component for any period after the person reaches the relevant age.

(2) In paragraph (1) "the relevant age" means—

(a) pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995); or

(b) if higher, 65.

(3) Paragraph (1) is subject to such exceptions as may be provided by regulations.

Modifications etc. (not altering text)

C8 Art. 88(1) excluded (20.6.2016) by The Personal Independence Payment (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/227), regs. 1, **27(1)**

C9 Art. 88(1) excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **27**

C10 Art. 88(1) excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **25**

Commencement Information

I201 Art. 88 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(5)(c)**

I202 Art. 88 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, **art. 3(2)**

No entitlement to daily living component where UK is not competent state

89.—(1) A person to whom a relevant EU Regulation applies is not entitled to the daily living component for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of Chapter 1 of Title III of the Regulation in question.

(2) Each of the following is a "relevant EU Regulation" for the purposes of this Article—

(a) Council Regulation (EC) No 1408/71 of 14th June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community;

(b) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29th April 2004 on the coordination of social security systems.

Commencement Information

I203 Art. 89 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(d)**

Care home residents

90.—(1) Regulations may provide that no amount in respect of personal independence payment which is attributable to entitlement to the daily living component is payable in respect of a person for a period when the person meets the condition in paragraph (2).

(2) The condition is that the person is a resident of a care home in circumstances in which any of the costs of any qualifying services provided for the person are borne out of public funds by virtue of a specified statutory provision.

(3) In this Article "care home" means an establishment that provides accommodation together with nursing or personal care.

(4) The following are "qualifying services" for the purposes of paragraph (2)—

(a) accommodation;

(b) board;

(c) personal care;

(d) such other services as may be prescribed.

(5) The reference in paragraph (2) to a "specified statutory provision" is to a statutory provision which is specified for the purposes of that paragraph by regulations or is of a description so specified.

(6) The power to specify a statutory provision for the purposes of paragraph (2) includes power to specify it only in relation to its application for a particular purpose.

Commencement Information

I204 Art. 90 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(d)**

Hospital in-patients

91.—(1) Regulations may provide as mentioned in either or both of the following sub-paragraphs—

(a) that no amount in respect of personal independence payment which is attributable to entitlement to the daily living component is payable in respect of a person for a period when the person meets the condition in paragraph (2);

(b) that no amount in respect of personal independence payment which is attributable to entitlement to the mobility component is payable in respect of a person for a period when the person meets the condition in paragraph (2).

(2) The condition is that the person is undergoing medical or other treatment as an in-patient at a hospital or similar institution in circumstances in which any of the costs of the treatment, accommodation and any related services provided for the person are borne out of public funds.

(3) For the purposes of paragraph (2) the question of whether any of the costs of medical or other treatment, accommodation and related services provided for a person are borne out of public funds is to be determined in accordance with the regulations.

Commencement Information

I205 Art. 91 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(d)**

Prisoners

92. Except to the extent that regulations provide otherwise, no amount in respect of personal independence payment is payable in respect of a person for a period during which the person is undergoing imprisonment or detention in legal custody.

Modifications etc. (not altering text)

C11 Art. 92 excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **31(3)**

C12 Art. 92 excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **31(1)**

C13 Art. 92 excluded (20.6.2016) by The Personal Independence Payment Regulations (NorthernIreland) 2016 (S.R. 2016/217), regs. 1, **31(6)**

Commencement Information

I206 Art. 92 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(5)(e)**

I207 Art. 92 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, **art. 3(2)**

Supplementary

Claims, awards and information

93.—(1) A person is not entitled to personal independence payment for any period before the date on which a claim for it is made or treated as made by that person or on that person's behalf.

(2) An award of personal independence payment is to be for a fixed term except where the person making the award considers that a fixed term award would be inappropriate.

(3) In deciding whether a fixed term award would be inappropriate, that person must have regard to guidance issued by the Department.

(4) Information supplied under this Part is to be taken for all purposes to be information relating to social security.

Commencement Information

I208 Art. 93 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

Report to the Assembly

94. The Department must lay before the Assembly an independent report on the operation of assessments under Article 85—

(a) within 2 years beginning with the date on which the first regulations under that Article come into operation; and

(b) within 4 years beginning with that date.

Commencement Information

I209 Art. 94 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

General

PROSPECTIVE

Abolition of disability living allowance

95. Sections 71 to 76 of the Contributions and Benefits Act (disability living allowance) are repealed.

Amendments

96. Schedule 9 contains amendments relating to this Part.

Commencement Information
I210 Art. 96 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(f)**

Power to make supplementary and consequential provision

97.—(1) Regulations may make such consequential, supplementary or incidental provision in relation to any provision of this Part as the Department considers appropriate.

(2) Regulations under this Article may amend, repeal, revoke or otherwise modify any statutory provision.

Commencement Information
I211 Art. 97 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(f)**

Transitional

98.—(1) Regulations may make such provision as the Department considers necessary or expedient in connection with the coming into operation of any provision of this Part.

(2) Schedule 10 (transitional provision for introduction of personal independence payment) has effect.

Commencement Information
I212 Art. 98 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(f)**

Regulations

99.—(1) A power to make regulations under this Part includes—

(a) power to make incidental, supplementary, consequential or transitional provision or savings;

(b) power to provide for a person to exercise a discretion in dealing with any matter.

(2) Regulations made under this Part are subject to negative resolution.

Commencement Information
I213 Art. 99 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(f)**

Interpretation of Part 4

100. In this Part—

"daily living activities" has the meaning given by Article 83(4);

"daily living component" means the daily living component of personal independence payment;

"mobility activities" has the meaning given by Article 84(4);

"mobility component" means the mobility component of personal independence payment.

Commencement Information
I214 Art. 100 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(5)(g)**
I215 Art. 100 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, **art. 3(2)**

PART 6

Social security: general

Benefit cap

Benefit cap

101.—(1) Regulations may provide for a benefit cap to be applied to the welfare benefits to which a single person or couple is entitled.

(2) For the purposes of this Article, applying a benefit cap to welfare benefits means securing that, where a single person's or couple's total entitlement to welfare benefits in respect of the reference period exceeds the relevant amount, their entitlement to welfare benefits in respect of any period of the same duration as the reference period is reduced by an amount up to or equalling the excess.

(3) In paragraph (2) the "reference period" means a period of a prescribed duration.

(4) Regulations under this Article may in particular—

(a) make provision as to the manner in which total entitlement to welfare benefits for any period, or the amount of any reduction, is to be determined;

(b) make provision as to the welfare benefit or benefits from which a reduction is to be made;

(c) provide for exceptions to the application of the benefit cap;

(d) make provision as to the intervals at which the benefit cap is to be applied;

(e) make provision as to the relationship between application of the benefit cap and any other reduction in respect of a welfare benefit;

(f) provide that where in consequence of a change in the relevant amount, entitlement to a welfare benefit increases or decreases, that increase or decrease has effect without any further decision of the Department;

(g) make supplementary and consequential provision.

[[F27](5) Regulations under this Article may make provision for determining the "relevant amount" for the reference period applicable in the case of a single person or couple by reference to the annual limit applicable in the case of that single person or couple.

(5A) For the purposes of this Article the "annual limit" is £20,000 or £13,400.

(5B) Regulations under paragraph (5) may—

(a) specify which annual limit applies in the case of—

(i) different prescribed descriptions of single person;

(ii) different prescribed descriptions of couple;

(b) provide for the rounding up or down of an amount produced by dividing the amount of the annual limit by the number of periods of a duration equal to the reference period in a year.**]**

[F28](6) . . . . . .

(7) In this Article—

"couple" means two persons of a prescribed description;

[F29]…

"single person" means a person who is not a member of a couple;

"welfare benefit" **[**[F30]means—

(a) bereavement allowance (see section 39B of the Contributions and Benefits Act),

(b) child benefit (see section 137 of the Contributions and Benefits Act),

(c) child tax credit (see section 1(1)(a) of the Tax Credits Act 2002),

(d) employment and support allowance (see section 1 of the Welfare Reform Act (Northern Ireland) 2007), including income-related employment and support allowance (as defined in subsection (7) of that section),

(e) housing benefit (see section 129 of the Contributions and Benefits Act),

(f) incapacity benefit (see section 30A of the Contributions and Benefits Act),

(g) income support (see section 123 of the Contributions and Benefits Act),

(h) jobseeker's allowance (see Article 3 of the Jobseekers Order), including income-based jobseeker's allowance (as defined in paragraph (4) of that Article),

(i) maternity allowance under section 35 or 35B of the Contributions and Benefits Act 1992,

(j) severe disablement allowance (see section 68 of the Contributions and Benefits Act),

(k) universal credit,

(l) widow's pension (see section 38 of the Contributions and Benefits Act 1992),

(m) widowed mother's allowance (see section 37 of the Contributions and Benefits Act), or

(n) widowed parent's allowance (see section 39A of the Contributions and Benefits Act).**]**

[F31](8) . . . . . .

Textual Amendments

F27 Art. 101(5)-(5B) substituted for art. 101(5) (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(b), **5(2)**; S.R. 2016/374, art. 2

F28 Art. 101(6) omitted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by virtue of The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(b), **5(3)**; S.R. 2016/374, art. 2

F29 Words in art. 101(7) omitted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by virtue of The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(b), **5(3)**; S.R. 2016/374, art. 2

F30 Words in art. 101(7) substituted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(b), **5(4)**; S.R. 2016/374, art. 2

F31 Art. 101(8) omitted (13.10.2016 for specified purposes, 7.11.2016 in so far as not already in operation) by virtue of The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(b), **5(5)**; S.R. 2016/374, art. 2

Commencement Information

I216 Art. 101 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(a)**

[F32Benefit cap review

101A.—(1) If the Secretary of State makes regulations under section 96A(4) of the Welfare Reform Act 2012 which amend section 96(5A)(b) of that Act, the Department may make corresponding regulations amending Article 101(5A).

(2) The regulations may provide for amendments of Article 101(5A) to come into force—

(a) on different days for different areas;

(b) on different days for different cases or purposes.

(3) The regulations may make such transitional or transitory provision or savings as the Department considers necessary or expedient in connection with the coming into force of any amendment made by the regulations.

(4) The regulations may in particular—

(a) provide for Article 101(5A) to have effect as if the amendments made by the regulations had not been made, in relation to such persons or descriptions of persons as are specified in the regulations or generally, until a time or times specified in a notice issued by the Department;

(b) provide for the Department to issue notices under sub-paragraph (a) specifying different times for different persons or descriptions of person;

(c) make provision about the issuing of notices under sub-paragraph (a), including provision for the Department to issue notices to the Housing Executive and the Department of Finance that have effect in relation to persons specified, or persons of a description specified, in the notices.**]**

Textual Amendments

F32 Art. 101A inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(c), **6(1)**

Benefit cap: supplementary and consequential

102.—(1) Regulations under Article 101 are subject to negative resolution.

[F33(1A) Regulations under Article 101A must be laid before the Assembly after being made and take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon

the expiration of a period of 6 months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly.**]**

(2) In Schedule 2 to the Social Security (Northern Ireland) Order 1998 (decisions against which no appeal lies) after paragraph 8 insert—

"Reduction on application of benefit cap

8A. A decision to apply the benefit cap in accordance with regulations under Article 101 of the Welfare Reform (Northern Ireland) Order 2015."

(3) In Schedule 12 to the Pensions Act (Northern Ireland) 2015 (state pension: amendments), omit paragraph 44.

Textual Amendments

F33 Art. 102(1A) inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(c), **6(2)**

Commencement Information

I217 Art. 102 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(a)**

Claims and awards

Claims and awards

103.—(1) Section 5(1) of the Administration Act (regulations about claims and payments) is amended as follows.

(2) In paragraph (d) (conditional awards), for the words from "the condition" to the end substitute—

"(i) the condition that the requirements for entitlement are satisfied at a prescribed time after the making of the award, or

(ii) other prescribed conditions;".

(3) In paragraph (e), for "those requirements" substitute " the conditions referred to in paragraph (d) ".

(4) In paragraph (g) (claims made on behalf of another), after "applies" insert " (including in particular, in the case of a benefit to be claimed by persons jointly, enabling one person to claim for such persons jointly) ".

(5) In paragraph (k) (notice of change of circumstances etc.), at the end insert " or of any other change of circumstance of a prescribed description ".

Commencement Information

I218 Art. 103 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(6)(a)**

Powers to require information relating to claims and awards

104.—(1) Section 5 of the Administration Act (regulations about claims and payments) is amended as follows.

(2) In subsection (1), paragraphs (h) and (hh) (powers to make provision requiring the furnishing of information or evidence) are repealed.

(3) After that subsection insert—

"(1A) Regulations may make provision for requiring a person of a prescribed description to supply any information or evidence which is, or could be, relevant to—

(a) a claim or award relating to a benefit to which this section applies, or

(b) potential claims or awards relating to such a benefit."

(4) Subsection (2A) is repealed.

(5) In Article 22 of the Social Security (Northern Ireland) Order 1998 (suspension for failure to furnish information, etc), in paragraph (3), for "subsection (1)(hh) of section 5" substitute " section 5(1A) ".

Commencement Information
I219 Art. 104 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(6)(a)**

Payments

Payments to joint claimants

105. In section 5 of the Administration Act (regulations about claims and payments), after subsection (2A) insert—

"(2B) The power in subsection (1)(j) to make provision for the person to whom a benefit is to be paid includes, in the case of a benefit awarded to persons jointly, power to make provision for the Department to determine to which of them all or any part of a payment should be made, and in particular for the Department—

(a) to determine that payment should be made to whichever of those persons they themselves nominate, or

(b) to determine that payment should be made to one of them irrespective of any nomination by them."

Commencement Information
I220 Art. 105 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(6)(a)**

Payments on account

106.—(1) In section 5(1) of the Administration Act (regulations about claims and payments), for paragraph (s) substitute—

"(s) for the making of a payment on account of such a benefit—

(i) in cases where it is impracticable for a claim to be made or determined immediately, or for an award to be determined or paid in full immediately,

(ii) in cases of need, or

(iii) in cases where the Department considers in accordance with prescribed criteria that the payment can reasonably be expected to be recovered;".

(2) Section 18 of the Welfare Reform Act (Northern Ireland) 2010 (payments on account), which has not been brought into operation, is repealed.

Commencement Information

I221 Art. 106 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(6)(a)**

Appeals

Power to require consideration of revision before appeal

107.—(1) The Social Security (Northern Ireland) Order 1998 is amended as follows.

(2) In Article 13 (appeal to appeal tribunal), in paragraph (2)—

(a) the words from "in relation to" to the end become sub-paragraph (a), and

(b) after that sub-paragraph insert—

", or

(b) where regulations under paragraph (3A) so provide."

(3) After paragraph (3) of that Article insert—

"(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal under paragraph (2) in relation to a decision only if the Department has considered whether to revise the decision under Article 10.

(3B) The regulations may in particular provide that that condition is met only where—

(a) the consideration by the Department was on an application,

(b) the Department considered issues of a specified description, or

(c) the consideration by the Department satisfied any other condition specified in the regulations.

(3C) The references in paragraphs (3A) and (3B) to regulations and to the Department are subject to any statutory provision under or by virtue of which the functions under this Chapter are transferred to or otherwise made exercisable by a person other than the Department."

(4) After paragraph (5) of that Article insert—

"(5A) Regulations may provide that, where in accordance with regulations under paragraph (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 10."

(5) In Article 75(2)(a) (confirmatory procedure for certain regulations) after "13(2)" insert " or (3A) ".

(6) Schedule 11 contains similar amendments to other legislation.

(7) Paragraph (8) applies where regulations under a provision mentioned in paragraph (9) are made so as to have effect in relation to a limited area (by virtue of provision made under Article 2(3)).

(8) Any power to make, in connection with those regulations, provision as respects decisions and appeals may be exercised so that that provision applies only in relation to the area mentioned in paragraph (7).

(9) The provisions referred to in paragraph (7) are—

(a) Article 13(3A) of the Social Security (Northern Ireland) Order 1998;

(b) paragraph (2A) of Article 22 of the Child Support (Northern Ireland) Order 1991 (as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000);

(c) paragraph (3A) of Article 22 of the Child Support (Northern Ireland) Order 1991 (as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000);

(d) Article 13(2A) of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997;

(e) paragraph 6(5A) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;

(f) section 5(1A) of the Mesothelioma, etc., Act (Northern Ireland) 2008.

Commencement Information

I222 Art. 107(1)-(6) in operation at 17.3.2016 by S.R. 2016/166, **art. 2(a)**

Electronic communications

Electronic communications

108.—(1) In section 165 of the Administration Act (regulations and orders - general), after subsection (5) insert—

"(5A) The provision referred to in subsection (5) includes, in a case where regulations under this Act require or authorise the use of electronic communications, provision referred to in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001.

(5B) For the purposes of subsection (5A), references in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001 to an order under section 1 of that Act are to be read as references to regulations under this Act; and references to anything authorised by such an order are to be read as references to anything required or authorised by such regulations."

(2) In Article 74 of the Social Security (Northern Ireland) Order 1998 (regulations and orders), after paragraph (5) insert—

"(5A) The provision referred to in paragraph (5) includes, in a case where regulations under this Order require or authorise the use of electronic communications, provision referred to in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001.

(5B) For the purposes of paragraph (5A), references in sections 1(4) and (5) and 2(5) of the Electronic Communications Act (Northern Ireland) 2001 to an order under section 2 of that Act are to be read as references to regulations under this Order; and references to anything authorised by such an order are to be read as references to anything required or authorised by such regulations."

Commencement Information

I223 Art. 108 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(6)(a)**

Recovery of benefits

Recovery of benefit payments

109.—(1) In the Administration Act, after section 69ZA insert—

"Recovery of benefit payments

69ZB Recovery of overpayments of certain benefits

(1) The Department may recover any amount of the following paid in excess of entitlement—

(a) universal credit,

(b) jobseeker's allowance,

(c) employment and support allowance, and

(d) except in prescribed circumstances, housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002).

(2) An amount recoverable under this section is recoverable from—

(a) the person to whom it was paid, or

(b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.

(3) An amount paid in pursuance of a determination is not recoverable under this section unless the determination has been—

(a) reversed or varied on an appeal, or

(b) revised or superseded under Article 10 or Article 11 of the Social Security (Northern Ireland) Order 1998,

except where regulations otherwise provide.

(4) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.

(5) Where an amount of universal credit is paid for the sole reason that a payment by way of prescribed income is made after the date which is the prescribed date for payment of that income, that amount is for the purposes of this section paid in excess of entitlement.

(6) In the case of a benefit referred to in subsection (1) which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.

(7) An amount recoverable under this section may (without prejudice to any other means of recovery) be recovered—

(a) by deduction from benefit (section 69ZC);

(b) by deduction from earnings (section 69ZD);

(c) through the courts etc (section 69ZE);

(d) by adjustment of benefit (section 69ZF).

69ZC Deduction from benefit

(1) An amount recoverable from a person under section 69ZB may be recovered by deducting the amount from payments of prescribed benefit.

(2) Where an amount recoverable from a person under section 69ZB was paid to the person on behalf of another, subsection (1) authorises its recovery from the person by deduction—

(a) from prescribed benefits to which the person is entitled,

(b) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by the person on whose behalf the recoverable amount was paid, or

(c) from prescribed benefits paid to the person to discharge (in whole or in part) an obligation owed to that person by any other person.

(3) Where an amount is recovered as mentioned in paragraph (b) of subsection (2), the obligation specified in that paragraph shall in prescribed circumstances be taken to be discharged by the amount of the deduction.

(4) Where an amount is recovered as mentioned in paragraph (c) of subsection (2), the obligation specified in that paragraph shall in all cases be taken to be so discharged.

69ZD Deduction from earnings

(1) Regulations may provide for amounts recoverable under section 69ZB to be recovered by deductions from earnings.

(2) In this section "earnings" has such meaning as may be prescribed.

(3) Regulations under subsection (1) may include provision—

(a) requiring the person from whom an amount is recoverable ("the beneficiary") to disclose details of their employer, and any change of employer, to the Department;

(b) requiring the employer, on being served with a notice by the Department, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department;

(c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;

(d) as to how payment is to be made to the Department;

(e) as to a level of earnings below which earnings must not be reduced;

(f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;

(g) requiring the employer to keep records of deductions;

(h) requiring the employer to notify the Department if the beneficiary is not, or ceases to be, employed by the employer;

(i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;

(j) with respect to the priority as between a requirement to deduct from earnings under this section and—

(i) any other such requirement;

(ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings.

69ZE Court action etc.

(1) An amount recoverable under section 69ZB is, if the county court so orders, recoverable as if it were payable under an order of that court.

(2) Any costs of the Department in recovering an amount of benefit under this section may be recovered by it as if they were amounts recoverable under section 69ZB.

69ZF Adjustment of benefit

69ZF. Regulations may for the purpose of the recovery of amounts recoverable under section 69ZB make provision—

(a) for treating any amount paid to a person under an award which it is subsequently determined was not payable—

(i) as properly paid, or

(ii) as paid on account of a payment which it is determined should be or should have been made,

and for reducing or withholding arrears payable by virtue of the subsequent determination;

(b) for treating any amount paid to one person in respect of another as properly paid for any period for which it is not payable in cases where in consequence of a subsequent determination—

(i) the other person is entitled to a payment for that period, or

(ii) a third person is entitled in priority to the payee to a payment for that period in respect of the other person,

and by reducing or withholding any arrears payable for that period by virtue of the subsequent determination.

69ZG Recovery of payments on account

(1) The Department may recover any amount paid under section 5(1)(s) (payments on account).

(2) An amount recoverable under this section is recoverable from—

(a) the person to whom it was paid, or

(b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.

(3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.

(4) In the case of a payment on account of a benefit which is awarded to persons jointly, an amount paid to one of those persons may for the purposes of this section be regarded as paid to the other.

(5) Sections 69ZC, 69ZD and 69ZE apply in relation to amounts recoverable under this section as to amounts recoverable under section 69ZB.

69ZH Recovery of hardship payments etc.

(1) The Department may recover any amount paid by way of—

(a) payment under Article 33 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit hardship payments) which is recoverable under that Article,

(b) a payment under Article 21C of the Jobseekers Order (jobseeker's allowance hardship payments) which is recoverable under that Article,

(c) a payment of a jobseeker's allowance under paragraph 8 or 8A of Schedule 1 to that Order (exemptions), where the allowance is payable at a prescribed rate under paragraph 9 of that Schedule and is recoverable under that paragraph,

(d) a payment of a jobseeker's allowance under paragraph 10 of that Schedule (claims yet to be determined etc.) which is recoverable under that paragraph, or

(e) a payment which is recoverable under section 5B(5A)(d) or (7)(d), 6(2A)(d) or (4)(d), 7(3)(aa) or (4)(d) or 8(2A)(d) or (4)(d) of the Social Security Fraud Act (Northern Ireland) 2001.

(2) An amount recoverable under this section is recoverable from—

(a) the person to whom it was paid, or

(b) such other person (in addition to or instead of the person to whom it was paid) as may be prescribed.

(3) Regulations may provide that amounts recoverable under this section are to be calculated or estimated in a prescribed manner.

(4) Where universal credit or a jobseeker's allowance is claimed by persons jointly, an amount paid to one claimant may for the purposes of this section be regarded as paid to the other.

(5) Sections 69ZC to 69ZF apply in relation to amounts recoverable under this section as to amounts recoverable under section 69ZB.”

(2) In section 69 of that Act (overpayments - general), in subsection (11)(ab), at the end insert “ excluding housing credit (see section 69ZB) ”.

(3) In section 109A of that Act (penalty as alternative to prosecution), in subsection (1), after “69” insert “ , 69ZB ”.

(4) In section 109B of that Act (penalty as alternative to prosecution: colluding employers, etc)—

(a) for subsection (4) substitute—

“(4) If the recipient of a notice under subsection (3) agrees, in the specified manner, to pay the penalty—

(a) the amount of the penalty shall be recoverable from the recipient by the Department or the Housing Executive; and

(b) no criminal proceedings shall be instituted against the recipient in respect of the conduct to which the notice relates.

(4A) Sections 69ZC, 69ZD and 69ZE apply in relation to amounts recoverable under subsection (4)(a) as to amounts recoverable by the Department under section 69ZB (and, where the notice is given by the Housing Executive, those sections so apply as if references to the Department were to the Housing Executive).”;

(b) in subsection (9), the definition of “relevant benefit” is repealed.

(5) In Schedule 1 to the Jobseekers Order (supplementary provision)—

(a) in paragraph 9, at the end insert—

“(c) as to whether the whole or part of any amount of a jobseeker's allowance which is payable as specified in paragraph (a) is recoverable.”;

(b) in paragraph 10, for sub-paragraph (5)(a) substitute—

“(a) as to whether the whole or part of any amount paid by virtue of sub-paragraph (1) or (2) is recoverable;”.

(6) In Article 13 of the Social Security (Northern Ireland) Order 1998 (appeal to appeal tribunal), in paragraph (4), after “69” insert “ , 69ZB, 69ZG, 69ZH ”.

(7) In Schedule 3 to that Order (decisions against which an appeal lies), after paragraph 6 insert—

"**6A.** A decision as to whether payment of housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) is recoverable under section 69ZB of the Administration Act.

6B. A decision as to the amount of payment recoverable under section 69ZB, 69ZG or 69ZH of the Administration Act."

Commencement Information

I224 Art. 109 in operation at 4.4.2016 for specified purposes by S.R. 2016/46, **art. 4(a)**

I225 Art. 109 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(6)(b)**

I226 Art. 109 in operation at 20.6.2016 otherwise except in relation to universal credit by S.R. 2016/215, **art. 3(3)**

I227 Art. 109 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 3(1)**(2)(e)

Deduction from earnings: other cases

110.—(1) In section 69 of the Administration Act (overpayments - general), after subsection (9) insert—

"(9A) Regulations may provide for amounts recoverable under the provisions mentioned in subsection (8) to be recovered by deductions from earnings.

(9B) In subsection (9A) "earnings" has such meaning as may be prescribed.

(9C) Regulations under subsection (9A) may include provision—

(a) requiring the person from whom an amount is recoverable ("the beneficiary") to disclose details of their employer, and any change of employer, to the Department;

(b) requiring the employer, on being served with a notice by the Department, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department;

(c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;

(d) as to how payment is to be made to the Department;

(e) as to a level of earnings below which earnings must not be reduced;

(f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;

(g) requiring the employer to keep records of deductions;

(h) requiring the employer to notify the Department if the beneficiary is not, or ceases to be, employed by the employer;

(i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;

(j) with respect to the priority as between a requirement to deduct from earnings under this section and—

(i) any other such requirement;

(ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings."

(2) In section 69ZA of that Act (overpayments out of the social fund), before subsection (3) insert—

"(2A) Subsection (9A) of section 69 as it so applies shall have effect as if the reference to amounts recoverable under the provisions mentioned in subsection (8) of that section were to amounts recoverable under subsections (1) and (4) of that section by virtue of subsection (1) above."

(3) In section 73 of that Act (overpayments of housing benefit), at the end insert—

"(8) Regulations may provide for amounts recoverable under this section to be recovered by deductions from earnings.

(9) In subsection (8) "earnings" has such meaning as may be prescribed.

(10) Regulations under subsection (8) may include provision—

(a) requiring the person from whom an amount is recoverable ("the beneficiary") to disclose details of their employer, and any change of employer, to the Department, the Department of Finance and Personnel or the Housing Executive;

(b) requiring the employer, on being served with a notice by the Department, the Department of Finance and Personnel or the Housing Executive, to make deductions from the earnings of the beneficiary and to pay corresponding amounts to the Department, the Department of Finance and Personnel or the Housing Executive;

(c) as to the matters to be contained in such a notice and the period for which a notice is to have effect;

(d) as to how payment is to be made to the Department, the Department of Finance and Personnel or the Housing Executive;

(e) as to a level of earnings below which earnings must not be reduced;

(f) allowing the employer, where the employer makes deductions, to deduct a prescribed sum from the beneficiary's earnings in respect of the employer's administrative costs;

(g) requiring the employer to keep records of deductions;

(h) requiring the employer to notify the Department, the Department of Finance and Personnel or the Housing Executive if the beneficiary is not, or ceases to be, employed by the employer;

(i) creating a criminal offence for non-compliance with the regulations, punishable on summary conviction by a fine not exceeding level 3 on the standard scale;

(j) with respect to the priority as between a requirement to deduct from earnings under this section and—

(i) any other such requirement;

(ii) an order under any other statutory provision which requires deduction from the beneficiary's earnings."

(4) In section 74 of that Act (recovery of social fund awards), after subsection (3A) insert—

"(3B) Regulations may provide for amounts recoverable under subsection (1) from a person specified in subsection (3) to be recovered by deductions from earnings.

(3C) In subsection (3B) "earnings" has such meaning as may be prescribed.

(3D) Regulations under subsection (3B) may include provision referred to in section 69(9C).”

Commencement Information

I228 Art. 110 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(6)(c)**

I229 Art. 110 in operation at 20.6.2016 otherwise except in relation to universal credit by S.R. 2016/215, **art. 3(3)**

Application of the Limitation (Northern Ireland) Order 1989

111.—(1) Article 2 of the Limitation (Northern Ireland) Order 1989 (interpretation) is amended as follows.

(2) In paragraph (2), in the definition of “action”, at the end insert “ (and see paragraph (11)) ”.

(3) At the end insert—

“(11) References in this Order to an action do not include any method of recovery of a sum recoverable under—

(a) Part 3 of the Social Security Administration (Northern Ireland) Act 1992,

(b) section 126(c) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, or

(c) Part 1 of the Tax Credits Act 2002, other than a proceeding in a court of law.”

(4) The amendments made by this Article have effect as if they had come into operation at the same time as Article 2 of the Limitation (Northern Ireland) Order 1989, except for the purposes of proceedings brought before the coming into operation of this Article.

Commencement Information

I230 Art. 111 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(b)**

Investigation and prosecution of offences

Powers to require information relating to investigations

112. In section 103B of the Administration Act (power to require information), in subsection (2)—

(a) after paragraph (i) (but before the final “and”) insert—

“(ia) a person of a prescribed description;”;

(b) in paragraph (j), for “(i)” substitute “ (ia) ”.

Commencement Information

I231 Art. 112 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(c)**

Time limits for legal proceedings

113. In section 110 of the Administration Act (legal proceedings), in subsection (2)—

(a) in paragraph (a), for "other than an offence relating to housing benefit" substitute " (other than proceedings to which paragraph (b) applies) ";

(b) in paragraph (b), after "proceedings" insert " brought by the Department of Finance and Personnel or the Housing Executive ".

Commencement Information

I232 Art. 113 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(d)**

PROSPECTIVE

Prosecution powers of the Housing Executive

114.—(1) The Administration Act is amended as follows.

(2) After section 110 insert—

"**110ZA Housing Executive powers to prosecute housing benefit fraud**

(1) The Housing Executive may not bring proceedings against a person for a benefit offence relating to housing benefit unless—

(a) the Housing Executive has already started an investigation in relation to that person in respect of the offence,

(b) the proceedings arise in prescribed circumstances or are of a prescribed description, or

(c) the Department has directed that the Housing Executive may bring the proceedings.

(2) The Department may direct that in prescribed circumstances the Housing Executive may not bring proceedings by virtue of subsection (1)(a) despite the requirements in that provision being met.

(3) A direction under subsection (1)(c) or (2) may relate to particular proceedings or any description of proceedings.

(4) If the Department prescribes conditions for the purposes of this section, the Housing Executive may bring proceedings in accordance with this section only if any such condition is satisfied.

(5) The Department may continue proceedings which have been brought by the Housing Executive in accordance with this section as if the proceedings had been brought in the Department's name or it may discontinue the proceedings if—

(a) the proceedings were brought by virtue of subsection (1)(a),

(b) the Department makes provision under subsection (1)(b) which has the effect that the Housing Executive would no longer be entitled to bring the proceedings in accordance with this section,

(c) the Department withdraws a direction under subsection (1)(c) in relation to the proceedings, or

(d) a condition prescribed under subsection (4) ceases to be satisfied in relation to the proceedings.

(6) In exercising a power to bring proceedings in accordance with this section, the Housing Executive must have regard to the code of practice for prosecutors published by the Director

of Public Prosecutions for Northern Ireland under section 37 of the Justice (Northern Ireland) Act 2002—

(a) in determining whether the proceedings should be instituted;

(b) in determining what charges should be preferred;

(c) in considering what representations to make to a magistrates' court about mode of trial;

(d) in determining whether to discontinue proceedings.

(7) Regulations shall define "an investigation in respect of a benefit offence" for the purposes of this section."

(3) Section 110A (Housing Executive powers to prosecute benefit fraud) (as inserted by section 43 of the Welfare Reform Act (Northern Ireland) 2007) is amended as follows.

(4) In the heading, after "prosecute" insert " other ".

(5) In subsection (2)—

(a) for "unless" substitute " only if ";

(b) in paragraph (b), for "must not", substitute " may ".

(6) In subsection (4)(b), for "gives" substitute " withdraws ".

Penalties as alternative to prosecution

Penalty in respect of benefit fraud not resulting in overpayment

115.—(1) Section 109A of the Administration Act (penalty as alternative to prosecution) is amended as follows.

(2) After subsection (1) insert—

"(1A) This section also applies where—

(a) it appears to the Department or the Housing Executive that there are grounds for instituting proceedings against a person for an offence (under this Act or any other statutory provision) relating to an act or omission on the part of that person in relation to any benefit, and

(b) if an overpayment attributable to the act or omission had been made, the overpayment would have been recoverable from the person by, or due from the person to, the Department or the Housing Executive under or by virtue of section 69, 69ZB, 69A or 73."

(3) In subsection (2)(a) for "such proceedings" substitute " proceedings referred to in subsection (1) or (1A) ".

(4) In subsection (4)—

(a) in paragraph (a), after "is" insert " or would have been ";

(b) in paragraph (b), at the end insert " or to the act or omission referred to in subsection (1A)(a). "

(5) In subsections (6) and (7), at the beginning insert " In a case referred to in subsection (1) ".

(6) In subsection (7B)(a), after "is", in both places, insert " or would have been ".

(7) In subsection (8) after "subsection (1)(a)" insert " or (1A)(b) ".

(8) In the Social Security Fraud Act (Northern Ireland) 2001—

(a) in section 5B(1)(b), the words "by reference to an overpayment" are repealed and for "the offence mentioned in subsection (1)(b) of the appropriate penalty provision" substitute " the offence to which the notice relates ";

(b) in sections 5C(2)(b) and (3), 7(7)(b) and (8) and 8(7)(b) and (8), for "the overpayment" substitute " any overpayment made ".

Commencement Information
I233 Art. 115 in operation at 4.4.2016 by S.R. 2016/46, **art. 4(b)**

Amount of penalty

116.—(1) In section 109A of the Administration Act (penalty as alternative to prosecution), for subsection (3) substitute—

"(3) The amount of the penalty in a case falling within subsection (1) is 50 per cent. of the amount of the overpayment (rounded down to the nearest whole penny), subject to—

(a) a minimum amount of £350, and

(b) a maximum amount of £2000.

(3A) The amount of the penalty in a case falling within subsection (1A) is £350.

(3B) The Department may by order amend—

(a) the percentage for the time being specified in subsection (3);

(b) any figure for the time being specified in subsection (3)(a) or (b) or (3A)."

(2) In section 166 of the Administration Act (Assembly, etc. control of orders and regulations), in subsection (2), before paragraph (a) insert—

"(za) to any order made under section 109A(3B);".

Commencement Information
I234 Art. 116 in operation at 4.4.2016 by S.R. 2016/46, **art. 4(b)**

Loss of benefit

Benefit offences: period of sanction

117.—(1) The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

(2) Section 5B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.

(3) In subsection (11), for "the period of four weeks" substitute " the relevant period ".

(4) After subsection (11) insert—

"(11A) For the purposes of subsection (11) the relevant period is—

(a) in a case falling within subsection (1)(a) where the benefit offence, or one of them, is a relevant offence, the period of three years,

(b) in a case falling within subsection (1)(a) (but not within paragraph (a) above), the period of 13 weeks, or

(c) in a case falling within subsection (1)(b) or (c), the period of four weeks."

(5) After subsection (13) insert—

"(14) In this section and section 6 "relevant offence" means—

(a) the common law offence of conspiracy to defraud, or

(b) a prescribed offence which, in the offender's case, is committed in such circumstances as may be prescribed, and which, on conviction—

(i) is found by the court to relate to an overpayment (as defined in section 109A(8) of the Administration Act) of at least £50,000,

(ii) is punished by a custodial sentence of at least one year (including a suspended sentence as defined in section 33(1) of the Treatment of Offenders Act (Northern Ireland) 1968), or

(iii) is found by the court to have been committed over a period of at least two years."

(6) After subsection (14) (inserted by paragraph (5)) insert—

"(15) The Department may by order amend subsection (11A)(a), (b) or (c), or (14)(b)(i), (ii) or (iii) to substitute a different period or amount for that for the time being specified there."

(7) In section 6 (loss of benefit for second or subsequent conviction of benefit offence), after subsection (1) insert—

"(1A) The following restrictions do not apply if the benefit offence referred to in subsection (1)(a), or any of them, is a relevant offence."

(8) In section 10 (loss of benefit regulations)—

(a) in the heading, after "benefit" insert " orders and ";

(b) in subsection (3) after paragraph (d) insert—

"or

(e) a provision prescribing an offence under section 5B(14)(b),";

(c) after subsection (3) insert—

"(3A) An order under section 5B(15) shall be subject to the confirmatory procedure.

(3B) In this section "the confirmatory procedure" means the procedure described in subsection (3).";

(d) in subsection (4) after "make", in both places, insert " an order or ".

Commencement Information

I235 Art. 117 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(6)(d)**

I236 Art. 117 in operation at 9.9.2016 in so far as not already in operation by S.R. 2016/325, **art. 2(3)**

Benefit offences: sanctions for repeated benefit fraud

118.—(1) The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

(2) In section 5B (loss of benefit in case of conviction, penalty or caution for benefit offence), in subsection (3) for "later" substitute " current ".

(3) Section 6 (loss of benefit for second or subsequent conviction of benefit offence) is amended as follows.

(4) In the heading, for "second or subsequent conviction of benefit offence" substitute " repeated benefit fraud ".

(5) For subsection (1)(a) to (e) substitute—

"(a) a person ("the offender") is convicted of one or more benefit offences in a set of proceedings ("the current set of proceedings"),

(b) within the period of five years ending on the date on which the benefit offence was, or any of them were, committed, one or more disqualifying events occurred in relation to the offender (the event, or the most recent of them, being referred to in this section as "the earlier disqualifying event"),

(c) the current set of proceedings has not been taken into account for the purposes of any previous application of this section or section 7 or 8 in relation to the offender or any person who was then a member of the offender's family,

(d) the earlier disqualifying event has not been taken into account as an earlier disqualifying event for the purposes of any previous application of this section or either of those sections in relation to the offender or any person who was then a member of the offender's family, and

(e) the offender is a person with respect to whom the conditions for an entitlement to a sanctionable benefit are or become satisfied at any time within the disqualification period,".

(6) In subsection (6), for the words from "in relation to" to the end, substitute " in an offender's case, means the relevant period beginning with a prescribed date falling after the date of the conviction in the current set of proceedings ".

(7) After that subsection insert—

"(6A) For the purposes of subsection (6) the relevant period is—

(a) in a case where, within the period of five years ending on the date on which the earlier disqualifying event occurred, a previous disqualifying event occurred in relation to the offender, the period of three years;

(b) in any other case, 26 weeks."

(8) After subsection (7) insert—

"(7A) Subsection (7B) applies where, after the agreement of any person ("P") to pay a penalty under the appropriate penalty provision is taken into account for the purposes of the application of this section in relation to that person—

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

(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 any overpayment to which the agreement relates is not recoverable or due, or

(c) the amount of any 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 and there is no new agreement by P to pay a penalty under the appropriate penalty provision in relation to the revised overpayment.

(7B) In those circumstances, 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 if P had not agreed to pay the penalty."

(9) In subsection (8), the following definitions are inserted at the appropriate places—

""appropriate penalty provision" has the meaning given in section 5B(2)(a);";

""disqualifying event" has the meaning given in section 5B(13)."

(10) After that subsection insert—

"(8A) Where a person is convicted of more than one benefit offence in the same set of proceedings, there is to be only one disqualifying event in respect of that set of proceedings for the purposes of this section and—

(a) subsection (1)(b) is satisfied if any of the convictions take place in the five year periods mentioned there;

(b) the event is taken into account for the purposes of subsection (1)(d) if any of the convictions have been taken into account as mentioned there;

(c) in the case of the earlier disqualifying event mentioned in subsection (6A)(a), the reference there to the date on which the earlier disqualifying event occurred is a reference to the date on which any of the convictions take place;

(d) in the case of the previous disqualifying event mentioned in subsection (6A)(a), that provision is satisfied if any of the convictions take place in the five year period mentioned there."

(11) After subsection (10) insert—

"(11) The Department may by order amend subsection (6A) to substitute different periods for those for the time being specified there.

(12) An order under subsection (11) may provide for different periods to apply according to the type of earlier disqualifying event or events occurring in any case."

(12) In section 10 (loss of benefit regulations), in subsection (3A) (as inserted by Article 117(8)(c)), after "5B(15)" insert " or 6(11) ".

Commencement Information

I237 Art. 118 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(6)(d)**

I238 Art. 118 in operation at 9.9.2016 in so far as not already in operation by S.R. 2016/325, **art. 2(3)**

PROSPECTIVE

Cautions

119. In section 5B of the Social Security Fraud Act (Northern Ireland) 2001 (loss of benefit in case of conviction, penalty or caution for benefit offence)—

(a) in the heading, for ", penalty or caution" substitute " or penalty ";

(b) in subsection (1), after paragraph (a) insert " or ";

(c) subsection (1)(c) (cautions) and the preceding "or" are repealed;

(d) in subsection (13), in the definition of "disqualifying event", for "(1)(a)," substitute " (1)(a) or ".

Information-sharing

Information-sharing in relation to provision of overnight care etc.

120.—(1) This Article applies where a relevant body holds information falling within paragraph (2) in relation to a person who is receiving or is likely to receive a relevant service.

(2) The information referred to in paragraph (1) is—

(a) information as to the fact of the provision or likely provision of the service;

(b) information about when the provision of the service begins or ends or is likely to do so;

(c) other prescribed information relating to the service provided and how it is funded (including the extent to which it is funded by the recipient).

(3) In this Article "relevant service" means—

(a) a service consisting of overnight care in the individual's own home provided by or on behalf of a relevant body;

(b) a residential care service provided by or on behalf of a relevant body;

(c) a service consisting of overnight accommodation in a hospital provided by a Health and Social Care Trust.

(4) In paragraph (3)(c) "hospital" means hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 but excluding an institution for providing dental treatment maintained in connection with a dental school.

(5) The relevant body may supply the information to a person specified in paragraph (6) for purposes relating to the payment of a relevant benefit to the individual.

(6) The persons referred to in paragraph (5) are—

(a) the Department;

(b) a person providing services to the Department;

(c) the Housing Executive or the Department of Finance and Personnel;

(d) a person authorised to exercise any function of the Housing Executive or that Department relating to a relevant benefit;

(e) a person providing services relating to a relevant benefit to the Housing Executive or that Department.

(7) In this Article "relevant benefit" means—

(a) universal credit;

(b) housing benefit;

(c) any prescribed benefit.

(8) In this Article and Article 121—

"the Housing Executive" means the Northern Ireland Housing Executive;

"relevant body" means—

(a) a Health and Social Care trust;

(b) the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

Commencement Information

I239 Art. 120 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(e)**

Information-sharing in relation to welfare services etc.

121.—(1) The Department, or a person providing services to the Department, may supply relevant information to a qualifying person for prescribed purposes relating to welfare services or rates.

(2) A qualifying person who holds relevant information for a prescribed purpose relating to welfare services may supply that information to—

(a) the Department, or

(b) a person providing services to the Department,

for a prescribed purpose relating to a relevant social security benefit.

(3) A qualifying person who holds relevant information for a prescribed purpose relating to welfare services, housing benefit or rates may—

(a) use the information for another prescribed purpose relating to welfare services, housing benefit or rates;

(b) supply it to another qualifying person for use in relation to the same or another prescribed purpose relating to welfare services, housing benefit or rates.

(4) Relevant information supplied under paragraph (1) or (3) to a qualifying person may be supplied by that person to a person who provides qualifying welfare services for purposes connected with the provision of those services.

(5) In paragraph (4) services are qualifying welfare services if—

(a) a relevant body, or

(b) a person who is a qualifying person by virtue of paragraph (7)(n), contributes or will contribute to the expenditure incurred in their provision.

(6) Paragraphs (1) to (4) do not apply in a case where the supply or use of information is authorised by Article 120.

(7) In this Article "qualifying person" means—

(a) a relevant body;

(b) the Department of Education;

(c) **[**[F34]the Education Authority**]**;

(d) the Department for Regional Development;

(e) the Department of Justice;

(f) the Housing Executive;

(g) a person authorised to exercise any function of any of the persons specified in sub-paragraphs (a) to (f) relating to welfare services;

(h) a person providing to any of the persons specified in sub-paragraphs (a) to (f) services relating to welfare services;

(i) DFP;

(j) a person authorised to exercise any function of DFP or the Housing Executive relating to rates;

(k) a person providing to DFP or the Housing Executive services relating to rates;

(l) a person authorised to exercise any function of DFP or the Housing Executive relating to housing benefit;

(m) a person providing to DFP or the Housing Executive services relating to housing benefit;

(n) a prescribed person or a person of a prescribed description.

(8) In this Article—

"DFP" means the Department of Finance and Personnel;

"relevant information" means information relating to—

(a) any relevant social security benefit, or

(b) welfare services;

"relevant social security benefit" **[**[F35]means—

(a) a relevant social security benefit as defined in section 115CA(7) of the Administration Act, or

(b) a loan under Article 13 of the Welfare Reform and Work (Northern Ireland) Order 2016 (loans for mortgage interest, etc.);**]**

"welfare services" includes—

(a) services which provide accommodation, support, assistance, advice or counselling to individuals with particular needs,

(b) any other prescribed services,

and for these purposes "assistance" includes assistance by means of a grant or loan or the provision of goods or services.

Textual Amendments

F34 Words in art. 121(7)(c) substituted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), **arts. 2(2)(d)**, 21

F35 Words in art. 121(8) substituted (4.9.2017) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(11)**; S.R. 2017/166, art. 2(c)

Commencement Information

I240 Art. 121 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(f)**

Unlawful disclosure of information

122.—(1) A person to whom paragraph (2) applies is guilty of an offence if the person discloses without lawful authority any information—

(a) which comes to the person by virtue of Article 121(1), (3) or (4), and

(b) which relates to a particular person.

(2) This paragraph applies to—

(a) a person mentioned in Article 121(7)(a), (c), (f), (g), (h), (j) and (k);

(b) a person who provides qualifying welfare services (within the meaning of Article 121);

(c) a person who is or has been a director, member of the committee of management, manager, secretary or other similar officer of a person mentioned in sub-paragraph (a) or (b);

(d) a person who is or has been an employee of a person mentioned in sub-paragraph (b) or Article 121(7)(a) to (k).

(3) A person guilty of an offence under this Article is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both, or

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both.

(4) It is not an offence under this Article—

(a) to disclose information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;

(b) to disclose information which has previously been disclosed to the public with lawful authority.

(5) It is a defence for a person ("D") charged with an offence under this Article to prove that at the time of the alleged offence—

(a) D believed that D was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise, or

(b) D believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(6) A disclosure is made with lawful authority if it is so made for the purposes of section 117 of the Administration Act.

(7) This Article does not affect that section.

(8) Regulations under Article 121(7)(n) may include provision for applying the provisions of this Article to—

(a) a person who is a qualifying person within the meaning of Article 121 by virtue of the regulations, or

(b) a person associated with such a qualifying person by reason of the person's office or employment or otherwise.

Modifications etc. (not altering text)

C14 Art. 122 applied (4.4.2016) by The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations (Northern Ireland) 2016 (S.R. 2016/56), regs. 1, **11(2)**

Commencement Information

I241 Art. 122 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(g)**

Articles 120 to 122: supplementary

123.—(1) In Articles 120 and 121, "benefit" includes any allowance, payment, credit or loan.

(2) Any power to make regulations under Articles 120 and 121 includes power—

(a) without prejudice to section 17(5) of the Interpretation Act (Northern Ireland) 1954, to make different provision for different areas;

(b) to make such incidental, supplemental, consequential, transitional or saving provision as the Department thinks necessary or expedient.

(3) Regulations made under Article 120 and 121 are subject to negative resolution.

(4) Sections 39 (information relating to certain benefits) and 40 (unlawful disclosure of certain information) of the Welfare Reform Act (Northern Ireland) 2007 are repealed but this is subject to paragraph (5).

(5) Notwithstanding paragraph (4), the following provisions of that Act continue to have effect—

(a) section 39 insofar as it permits the use, supply or provision by any person of information which came to that person, by virtue of subsection (1), (2) or (5) of that section, before the day on which subsection (4) comes into operation;

(b) section 40 insofar as it relates to the disclosure by any person of such information.

Commencement Information

I242 Art. 123 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(h)**

Information-sharing for social security or employment purposes etc.

124. In Article 69 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (supply of information for certain purposes), in paragraph (2)(b), after "designated" insert " (specifically or by description) ".

Commencement Information
I243 Art. 124 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(i)**

Reports by Department

Reports by Department

125. In Article 76 of the Social Security (Northern Ireland) Order 1998 (reports by Department) for paragraph (1) substitute—

"(1) The Department shall prepare, either annually or at such times or intervals as may be prescribed, a report on—

(a) the standards achieved by the Department in the making of decisions against which an appeal lies to an appeal tribunal constituted under Chapter 1 of Part 2;

(b) the standards of advice and assistance provided under Article 138 of the Welfare Reform (Northern Ireland) Order 2015; and

(c) the operation of sanctions.

(1A) For the purposes of paragraph (1)(c) a sanction is—

(a) the reduction in the amount of an award of universal credit, a jobseeker's allowance, income support or an employment and support allowance on account of a failure by a person to comply with any requirement or any other conduct of a person;

(b) the loss of, or reduction in the amount of, any sanctionable benefit under the Social Security Fraud Act (Northern Ireland) 2001.

(1B) A report under paragraph (1)(c) must contain details of—

(a) the number of persons affected by sanctions;

(b) the periods for which such persons are affected;

(c) the reasons for which sanctions are imposed;

(d) the benefits or allowances which are reduced or lost."

Commencement Information
I244 Art. 125 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(4)(j)**

PART 7

Miscellaneous

Child support maintenance

PROSPECTIVE

Supporting maintenance agreements

126.—(1) In Article 11 of the Child Support (Northern Ireland) Order 1991 (maintenance agreements), after paragraph (2) insert—

"(2A) The Department may, with a view to reducing the need for applications under Article 7—

(a) take such steps as it considers appropriate to encourage the making and keeping of maintenance agreements, and

(b) in particular, before accepting an application under that Article, invite the applicant to consider with the Department whether it is possible to make such an agreement."

(2) In Schedule 2 to the Child Maintenance Act (Northern Ireland) 2008 (maintenance calculations: transfer of cases to new rules), in paragraph 3, after sub-paragraph (2) insert—

"(3) The Department may before accepting an application required by provision under sub-paragraph (2)(b) invite the applicant to consider with the Department whether it is possible to make a maintenance agreement (within the meaning of Article 11 of the Child Support Order)."

Collection of child support maintenance

127.—(1) The Child Support (Northern Ireland) Order 1991 is amended as follows.

(2) In Article 7 (child support maintenance)—

(a) in paragraph (2), the words from "or" to "made" are repealed;

(b) after paragraph (2) insert—

"(2A) The Department may only make arrangements under paragraph (2)(a) if—

(a) the non-resident parent agrees to the arrangements, or

(b) the Department is satisfied that without the arrangements child support maintenance is unlikely to be paid in accordance with the calculation."

(3) In Article 29 (collection of child support maintenance), in paragraph (1) after "may" insert " (subject to Article 7(2A)) ".

Commencement Information

I245 Art. 127(1)(2)(a) in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(a)** (with art. 2)

PROSPECTIVE

Indicative maintenance calculations

128. After Article 11 of the Child Support (Northern Ireland) Order 1991 insert—

"**Maintenance agreements: indicative calculations**

11A.—(1) A person with care or non-resident parent in relation to any qualifying child or qualifying children may apply to the Department for an indicative calculation with respect to that child or any of those children.

(2) An indicative calculation is a calculation of the amount of child support maintenance which the Department considers would in accordance with Article 13 be fixed by a maintenance calculation if such a calculation were made with respect to the child or children in question.

(3) An indicative calculation does not create any liability on any person to pay child support maintenance.

(4) The Department may limit the number of applications it will accept under this Article in any particular case in such manner as it thinks fit.

(5) Where a person who is alleged to be the parent of a child with respect to whom an application for an indicative calculation has been made denies being one of the child's parents, the Department shall not make the indicative calculation on the assumption that the person is one of the child's parents unless the case falls within paragraph (b) of Case A3 in Article 27(2)."

Recovery of child support maintenance by deduction from benefit

129. In Article 40 of the Child Support (Northern Ireland) Order 1991 (as substituted by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000), for paragraphs (1) and (2) substitute—

"(1) The power of the Department to make regulations under section 5 of the Social Security Administration (Northern Ireland) Act 1992 by virtue of subsection (1)(q) of that section may be exercised with a view to securing the making of payments in respect of child support maintenance by a non-resident parent.

(2) The reference in paragraph (1) to the making of payments in respect of child support maintenance includes the recovery of—

(a) arrears of child support maintenance; and

(b) fees payable under section 3 of the Child Maintenance Act (Northern Ireland) 2008."

Commencement Information

I246 Art. 129 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(b)**

Fees

130.—(1) Section 3 of the Child Maintenance Act (Northern Ireland) 2008 (fees) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (d), at the end insert " (including provision for the apportionment of fees and the matters to be taken into account in determining an apportionment) ";

(b) in paragraph (g) "waiver," is repealed;

(c) after paragraph (g) insert—

"(h) about waiver of fees (including the matters to be taken into account in determining a waiver)."

(3) After subsection (3) insert—

"(3A) The Department must review the effect of the first regulations made under subsection (1).

(3B) The review must take place before the end of the period of 30 months beginning with the day on which those regulations come into operation.

(3C) After the review, the Department must make and publish a report containing—

(a) the conclusions of the review; and

(b) a statement as to what the Department proposes to do in view of those conclusions.

(3D) The report must be laid before the Assembly by the Department."

Commencement Information

I247 Art. 130 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(b)**

Exclusion from individual voluntary arrangements

131. In the Insolvency (Northern Ireland) Order 1989, in Article 9 (interpretation), at the end insert—

"(5) Liability under the Child Support (Northern Ireland) Order 1991 to pay child support maintenance to any person is not a debt or liability for the purposes of Part 8."

Commencement Information

I248 Art. 131 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(b)**

Employment and training

Use of jobcentres by sex industry

132. In the Employment and Training Act (Northern Ireland) 1950, after section 1 (duty of Department to make arrangements as to employment and training) insert—

"**1A Restriction on section 1 arrangements: sex industry**

(1) Arrangements made by the Department under section 1 may not include arrangements in respect of employment for sexual purposes.

(2) For the purposes of this section employment is for sexual purposes if—

(a) it involves the employee engaging in an activity, and

(b) the employee's activity, or the way in which it is performed, may reasonably be assumed to be intended solely or principally to stimulate one or more other persons sexually (by whatever means).

(3) The Department may by order subject to negative resolution specify exceptions to subsection (1).”

Commencement Information
I249 Art. 132 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(c)**

Reduced dog licence fees for those in receipt of income-related benefits

Reduced fee for dog licences

133.—(1) The Dogs (Northern Ireland) Order 1983 is amended as follows.

(2) In Article 7 (fees for dog licences)—

(a) for paragraph (3)(b) substitute—

“(b) a licence issued to a person who at the time of the application for the licence is—

(i) in receipt of an income-related benefit, or

(ii) a member of a couple in receipt of an income-related benefit;”.

(b) after paragraph (9), insert—

“(10) In this Article “income-related benefit” means—

(a) universal credit under the Welfare Reform (Northern Ireland) Order 2015;

(b) state pension credit under the State Pension Credit Act (Northern Ireland) 2002;

(c) income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

(d) housing benefit under section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

(e) income-based jobseekers allowance under the Jobseeker's (Northern Ireland) Order 1995;

(f) income-related employment and support allowance under the Welfare Reform Act (Northern Ireland) 2007;

(g) working tax credit under the Tax Credits Act 2002.”

Commencement Information
I250 Art. 133 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(d)**

Rate relief schemes: application of housing benefit law

Rate relief schemes: application of housing benefit law

134. In Article 30A of the Rates (Northern Ireland) Order 1977 (rate relief scheme in respect of dwellings) in paragraph (3) for sub-paragraph (a) substitute—

"(a) provision for purposes corresponding to those of any statutory provision—

(i) which has any application in relation to housing benefit or universal credit; or

(ii) which, at any time specified in the regulations (being a time before the coming into operation of the regulations), had any application in relation to housing benefit;".

Commencement Information

I251 Art. 134 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(f)

Discretionary support

Discretionary support

135.—(1) The Department may, in accordance with regulations under this Article—

(a) make payments by way of grant or loan to prescribed persons;

(b) provide, or arrange for the provision of, goods or services to prescribed persons.

(2) Anything done under paragraph (1)(a) or (b) is referred to in this Article as the provision of discretionary support.

(3) Regulations may make provision—

(a) for the Department to provide discretionary support only in prescribed circumstances;

(b) conferring a discretion on the Department (subject to any provision made by virtue of sub-paragraph (c) or (d))—

(i) as to whether or not to provide discretionary support in a particular case, and

(ii) as to the nature of the discretionary support and (in the case of support by way of payments) as to the amount of the payments and the period for or in respect of which they are made;

(c) imposing a limit on the amount of the discretionary support that the Department may make in any particular case;

(d) restricting the period for or in respect of which the Department may provide discretionary support in any particular case;

(e) for claims for discretionary support to be made in the prescribed form and manner and for the procedure to be followed in dealing with and disposing of such claims;

(f) imposing conditions on persons claiming or receiving discretionary support requiring them to provide to the Department such information as may be prescribed;

(g) for the disclosure of information relating to discretionary support in prescribed circumstances or to prescribed persons;

[[F36](h) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of payments made under this Article;**]**

(i) requiring or authorising reviews (whether by the Department or a prescribed person) of decisions made by the Department with respect to the provision of discretionary support or the recovery of payments made under this Article **[**[F37]and for appeals against such decisions**]** ;

(j) for such other matters as appear to the Department to be necessary or expedient in connection with the provision of discretionary support, including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

[[F38](3A) Without prejudice to the generality of paragraph (3), regulations may make any provision referred to in that paragraph by applying to, or in relation to, discretionary support (with or without prescribed modifications) any statutory provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.**]**

(4) In this Article "prescribed" means prescribed by, or determined in accordance with, regulations under this Article.

(5) Regulations shall not be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(6) The Department shall, in respect of each financial year, prepare and lay before the Assembly a report on the operation of regulations made under this Article.

Textual Amendments

F36 Art. 135(3)(h) substituted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(1)(a)**

F37 Words in art. 135(3)(i) added (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(1)(b)**

F38 Art. 135(3A) inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(1)(c)**

Commencement Information

I252 Art. 135 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(e)**

Discretionary support Commissioner

136.—(1) There shall be an officer known as "the discretionary support Commissioner".

(2) The discretionary support Commissioner shall be appointed by the Department on such terms and conditions as the Department may determine.

(3) The discretionary support Commissioner—

(a) shall appoint such discretionary support inspectors, and

(b) may appoint such staff for the Commissioner and for discretionary support inspectors,

as the Commissioner thinks fit but with the consent of the Department.

(4) Appointments under paragraph (3) shall be made from persons made available to the Commissioner by the Department.

(5) Discretionary support inspectors have such functions as are conferred or imposed on them—

(a) by regulations under Article 135, or

(b) by any other statutory provision,

in relation to the review of decisions of the Department.

(6) It shall be the duty of the discretionary support Commissioner—

(a) to monitor the quality of decisions of discretionary support inspectors and give them such advice and assistance as the Commissioner thinks fit to improve the standard of their decisions;

(b) to arrange such training of discretionary support inspectors as the Commissioner considers necessary;

(c) to carry out such other functions in connection with the work of discretionary support inspectors as the Department may require;

(d) to report annually in writing to the Department on the standards of reviews by discretionary support inspectors.

(7) The Department shall publish any report made under paragraph (6)(d).

(8) In Part 1 of Schedule 4 to the Administration Act after the entries under the heading "The social fund" insert—

"Discretionary support officers

The discretionary support Commissioner.

A discretionary support inspector.

A member of any staff appointed under Article 136(3)(b) of the Welfare Reform (Northern Ireland) Order 2015."

(9) In the Freedom of Information Act 2000, in Part 7 of Schedule 1 after the entry relating to the social fund Commissioner insert—

"The discretionary support Commissioner appointed under Article 136 of the Welfare Reform (Northern Ireland) Order 2015."

Commencement Information

I253 Art. 136 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(f)**

Payments to persons suffering financial disadvantage

Payments to persons suffering financial disadvantage

137.—(1) The purpose of this Article is to enable the Department to make payments to persons who suffer financial disadvantage as a result of the changes to social security benefits and tax credits contained in this Order **[**[F39], the Welfare Reform and Work (Northern Ireland) Order 2016**]** and the Welfare Reform Act 2012.

(2) The Department may by regulations make provision for the purpose mentioned in paragraph (1).

(3) Regulations under this Article may in particular make provision—

(a) for determining whether a person has suffered financial disadvantage as a result of the changes mentioned in paragraph (1) and, if so, the amount of that disadvantage;

(b) for determining eligibility for payments, including provision for payments to be made only in prescribed circumstances or only to persons who meet prescribed conditions;

(c) for determining—

(i) the amount of payments;

(ii) the period or periods for or in respect of which payments are to be made;

(d) for claims for payments to be made in prescribed cases and in the prescribed form and manner and for the procedures to be followed in dealing with and disposing of such claims;

(e) for payments to be made in prescribed cases without any claim being made;

(f) imposing conditions on persons claiming or receiving payments, including conditions requiring them to provide to the Department such information as may be prescribed;

(g) for payments to cease to be made in prescribed circumstances;

(h) for the disclosure of information relating to payments in prescribed circumstances or to prescribed persons;

[[F40](i) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of payments made in excess of entitlement ;**]**

(j) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of payments **[**[F41]and for appeals against such decisions**]** ;

(k) imposing functions **[**[F42](including functions as to the disclosure of information)**]** on a statutory body other than the Department in connection with the administration of the regulations;

(l) for such other matters as appear to the Department to be necessary or appropriate in connection with the making of payments including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

[[F43](3A) Without prejudice to the generality of paragraphs (2) and (3), regulations may make any provision referred to in those paragraphs by applying to, or in relation to, payments (with or without prescribed modifications) any statutory provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.**]**

(4) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(5) No regulations shall be made under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(6) If regulations under this Article impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(7) A power conferred by this Article to make regulations includes power—

(a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;

(b) to provide for the Department to exercise a discretion in dealing with any matter.

(8) In this Article—

"prescribed" means prescribed by regulations under this Article;

"payment" means a payment under this Article;

"statutory body" means a body established by or under a statutory provision.

Textual Amendments

F39 Words in art. 137(1) inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(2)(a)**

F40 Art. 137(3)(i) substituted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(2)(b)**

F41 Words in art. 137(3)(j) added (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(2)(c)**

F42 Words in art. 137(3)(k) inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(2)(d)**

F43 Art. 137(3A) inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **18(2)(e)**

Commencement Information

I254 Art. 137 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(g)**

[[F44]Payments to persons affected by social sector size criteria in calculation of universal credit or housing benefit

137A.—(1) The Department may, in accordance with regulations under this Article, make payments in respect of persons who qualify under paragraph (2) or (3).

(2) A person qualifies under this paragraph if—

(a) the person is entitled to universal credit in respect of a period which falls within the mitigation period;

(b) the amount of the award of universal credit includes an amount under Article 16 ("the housing costs element");

(c) the amount of the housing costs element falls to be calculated in accordance with Part 5 of Schedule 4 to the Universal Credit Regulations (renters in social rented sector); and

(d) in the calculation of the amount of the housing costs element a deduction is made under paragraph 35 of that Schedule (deduction if the number of bedrooms in the accommodation occupied by the renter exceeds the number of bedrooms to which the renter is entitled in accordance with the regulations).

(3) A person qualifies under this paragraph if—

(a) the person is entitled to housing benefit in the form of a rent rebate or rent allowance in respect of a period which falls within the mitigation period;

(b) the calculation of the amount of rent allowance or rent rebate to which the person is entitled involves making a determination in accordance with regulation B14 of the Housing Benefit Regulations (determination of maximum rent (social sector)); and

(c) in making that determination a reduction is made under paragraph (2)(b) of that regulation (reduction in eligible rent if the number of bedrooms in the dwelling occupied by the claimant exceeds the number of bedrooms to which the claimant is entitled in accordance with the regulations).

(4) The mitigation period—

(a) begins on 2nd January 2017; and

(b) ends on 31st March 2020.

(5) Regulations may make provision—

(a) for determining the amount of payments, the periods in respect of which payments are to be made, and the persons to whom payments are to be made;

(b) for payments to be made without any claim being made;

(c) imposing conditions on persons receiving payments, including conditions requiring them to provide to the Department such information as may be prescribed;

(d) for the disclosure of information relating to payments in prescribed circumstances or to prescribed persons;

(e) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of payments made in excess of entitlement;

(f) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of payments;

(g) imposing functions (including functions as to the disclosure of information) on a statutory body other than the Department in connection with the administration of the regulations;

(h) for such other matters as appear to the Department to be necessary or appropriate in connection with the making of payments including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

(6) The provision included in regulations under paragraph (5)(a) for determining, in the case of any person, the amount of a payment in respect of any period must be such as to ensure that the amount of the payment when added to the amount of the housing costs element to which that person is entitled in respect of that period does not exceed—

(a) in a case falling within paragraph (2), the amount of the housing costs element to which that person would have been entitled in respect of that period if the deduction mentioned in sub-paragraph (d) of that paragraph had not be made;

(b) in a case falling within paragraph (3), the amount of the rent allowance or rent rebate to which that person would have been entitled in respect of that period if the reduction mentioned in sub-paragraph (c) of that paragraph had not be made.

(7) Without prejudice to the generality of paragraph (5), regulations may make any provision referred to in that paragraph by applying to, or in relation to, payments (with or without prescribed modifications) any provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.

(8) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(9) No regulations shall be made under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(10) If regulations under this Article impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(11) A power conferred by this Article to make regulations includes power—

(a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;

(b) to provide for the Department to exercise a discretion in dealing with any matter.

(12) In this Article—

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006;

"payment" means a payment under this Article;

"prescribed" means prescribed by regulations under this Article;

"statutory body" means a body established by or under a statutory provision;

"the Universal Credit Regulations" means the Universal Credit Regulations (Northern Ireland) 2016.**]**

Textual Amendments

F44 Art. 137A inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **19(2)**

[F45Cost of work allowance

137B.—(1) The Department may, in accordance with this Article and regulations, make payments known as cost of work allowances.

(2) A cost of work allowance is a payment which—

(a) is made on one occasion in each of the years 2017, 2018 and 2019;

(b) is awarded in each of those years—

(i) to an individual who on the qualifying date in that year satisfies the 4 requirements set out in paragraphs (4) to (7) as they apply in relation to an individual;

(ii) to a couple who on the qualifying date in that year satisfy the 4 requirements set out in paragraphs (4) to (7) as they apply in relation to a couple.

(3) In relation to an individual or a couple "the qualifying date" in a year is such date as may be prescribed; and different dates may be prescribed in relation to different classes or descriptions of individual or couple.

(4) The first requirement—

(a) in relation to an individual is that the individual has, on the qualifying date, been ordinarily resident in Northern Ireland for a period of at least 3 months;

(b) in relation to a couple is that both of them have on the qualifying date been ordinarily resident in Northern Ireland for period of at least 3 months.

(5) The second requirement—

(a) in relation to an individual is that on the qualifying date the individual—

(i) is entitled (otherwise than jointly with another) to universal credit or to working tax credit; and

(ii) has been so entitled for the whole of the preceding period of 3 months;

(b) in relation to a couple is that on the qualifying date the couple—

(i) are jointly entitled to universal credit or to working tax credit; and

(ii) have been so entitled for the whole of the preceding period of 3 months.

(6) The third requirement—

(a) in relation to an individual, is that on the qualifying date the individual—

(i) is engaged in qualifying remunerative work; and

(ii) has been so engaged for the whole of the preceding period of 3 months;

(b) in relation to a couple, is that at least one of them—

(i) is, on the qualifying date, engaged in qualifying remunerative work, and

(ii) has been so engaged for the whole of the preceding period of 3 months.

(7) The fourth requirement—

(a) in relation to an individual, is that the income of the individual in respect of a prescribed period exceeds such amount as may be prescribed but does not exceed such other higher amount as may be prescribed;

(b) in relation to a couple, is that the combined income of the couple in respect of a prescribed period exceeds such amount as may be prescribed but does not exceed such other higher amount as may be prescribed.

(8) Regulations may make provision—

(a) for cases where an individual is, or couple are, to be taken as satisfying, or not satisfying, the requirements in paragraphs (4) to (7) and in particular for determining—

(i) for the purposes of the second requirement, whether an individual is, or couple are, on the qualifying date entitled to universal credit or working tax credit and, if so, for what period the individual has, or couple have, been so entitled;

(ii) for the purposes of the third requirement, what is, or is not, qualifying remunerative work and the circumstances in which a person is, or is not, engaged in it;

(iii) for the purposes of the fourth requirement, the income of a person in respect of any period;

(b) for determining the amount of an allowance payable to an individual or a couple which must include provision—

(i) for the allowance awarded to an individual to include, in prescribed circumstances, an additional amount where the individual is responsible for one or more children;

(ii) for the allowance awarded to a couple to include, in prescribed circumstances, an additional amount where the couple is responsible for one or more children;

(c) for the circumstances in which—

(i) a person is, or is not, responsible for a child;

(ii) a couple are, or are not, responsible for a child;

(d) for payment of the allowance to be made without any claim being made;

(e) imposing conditions on persons receiving an allowance, including conditions requiring them to provide to the Department such information as may be prescribed;

(f) for the disclosure of information relating to allowances in prescribed circumstances or to prescribed persons;

(g) for the recovery by the Department in prescribed circumstances and by prescribed means (which may include any of the means mentioned in section 69ZB(7) of the Administration Act) of any amount of an allowance paid in excess of entitlement;

(h) requiring or authorising reviews (whether by the Department or by prescribed persons) of decisions made by the Department with respect to the making or recovery of allowances and for appeals against such decisions;

(i) imposing functions (including functions as to the disclosure of information) on a statutory body other than the Department in connection with the administration of the regulations;

(j) for such other matters as appear to the Department to be necessary or appropriate in connection with the paying of allowances including provision creating criminal offences and provision amending or applying (with or without modification) any statutory provision.

(9) Without prejudice to the generality of paragraph (8), regulations may make any provision referred to in that paragraph by applying to, or in relation to, an allowance (with or without prescribed modifications) any statutory provision which applies to, or in relation to, a particular social security benefit or a class or description of such benefits.

(10) The Department shall, in respect of each financial year in which payments are made, prepare and lay before the Assembly a report on the payments made in that year.

(11) No regulations shall be made under this Article unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(12) If regulations under this Article impose functions on any statutory body other than the Department, the Department must consult that body before making the regulations.

(13) A power conferred by this Article to make regulations includes power—

(a) to make such incidental, supplementary, consequential or transitional provision as appears to the Department to be necessary or expedient for the purposes of those regulations;

(b) to provide for the Department to exercise a discretion in dealing with any matter.

(14) In this Article—

"allowance" means a cost of working allowance;

"child" means a person under the age of 16;

"couple"—

(a) in relation to a case where the second requirement applies by reference to entitlement to universal credit, has the same meaning as it has for the purposes of the Part 2;

(b) in relation to a case where that requirement applies by reference to entitlement to working tax credit, has the same meaning as it has for the purposes of Part 1 of the Tax Credits Act 2002;

"prescribed" means prescribed by regulations under this Article;

"statutory body" means a body established by or under a statutory provision.**]**

Textual Amendments

F45 Art. 137B inserted (13.10.2016) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(2)(d), **20(2)**

Duties of the Department

Duty to ensure availability of advice and assistance

138. The Department must ensure that advice and assistance are made available free of charge to persons making a claim under this Order in connection with that claim.

Commencement Information

I255 Art. 138 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(h)**

Duty to report on operation of this Order

139.—(1) The Department must, not later than 3 years after this Order is made, publish a report on the operation of this Order.

(2) The Department must lay the report before the Assembly.

Commencement Information

I256 Art. 139 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(5)(h)**

PART 8

Repeals

Repeals

140. Schedule 12 contains consequential repeals.

Commencement Information

I257 Art. 140 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(6)(a)**

Ceri King
Deputy Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 36

Universal credit: supplementary regulation-making powers

Entitlement of joint claimants

1. Regulations may provide for circumstances in which joint claimants may be entitled to universal credit without each of them meeting all the basic conditions referred to in Article 9.

Commencement Information
I258 Sch. 1 para. 1 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iv)**

Linking periods

2. Regulations may provide for periods of entitlement to universal credit which are separated by no more than a prescribed number of days to be treated as a single period.

Commencement Information
I259 Sch. 1 para. 2 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iv)**

Couples

3.—(1) Regulations may provide—

(a) for a claim made by members of a couple jointly to be treated as a claim made by one member of the couple as a single person (or as claims made by both members as single persons);

(b) for claims made by members of a couple as single persons to be treated as a claim made jointly by the couple.

(2) Regulations may provide—

(a) where an award is made to joint claimants who cease to be entitled to universal credit as such by ceasing to be a couple, for the making of an award (without a claim) to either or each one of them—

(i) as a single person, or

(ii) jointly with another person;

(b) where an award is made to a single claimant who ceases to be entitled to universal credit as such by becoming a member of a couple, for the making of an award (without a claim) to the members of the couple jointly;

(c) for the procedure to be followed, and information or evidence to be supplied, in relation to the making of an award under this paragraph.

Commencement Information
I260 Sch. 1 para. 3 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iv)**

Calculation of capital and income

4.—(1) Regulations may for any purpose of this Part provide for the calculation or estimation of—

(a) a person's capital,

(b) a person's earned and unearned income, and

(c) a person's earned and unearned income in respect of an assessment period.

(2) Regulations under sub-paragraph (1)(c) may include provision for the calculation to be made by reference to an average over a period, which need not include the assessment period concerned.

(3) Regulations under sub-paragraph (1) may—

(a) specify circumstances in which a person is to be treated as having or not having capital or earned or unearned income;

(b) specify circumstances in which income is to be treated as capital or capital as earned income or unearned income;

(c) specify circumstances in which unearned income is to be treated as earned, or earned income as unearned;

(d) provide that a person's capital is to be treated as yielding income at a prescribed rate;

(e) provide that the capital or income of one member of a couple is to be treated as that of the other member.

(4) Regulations under sub-paragraph (3)(a) may in particular provide that persons of a prescribed description are to be treated as having a prescribed minimum level of earned income.

(5) In the case of joint claimants the income and capital of the joint claimants includes (subject to sub-paragraph (6)) the separate income and capital of each of them.

(6) Regulations may specify circumstances in which capital and income of either of joint claimants is to be disregarded in calculating their joint capital and income.

Commencement Information
I261 Sch. 1 para. 4 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iv)**

Responsibility for children etc.

5.—(1) Regulations may for any purpose of this Part specify circumstances in which a person is or is not responsible for a child or qualifying young person.

(2) Regulations may for any purpose of this Part make provision about nominations of the responsible carer for a child (see Article 24(6)(b)(ii)).

Commencement Information
I262 Sch. 1 para. 5 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iv)**

PROSPECTIVE

Vouchers

6.—(1) This paragraph applies in relation to an award of universal credit where the calculation of the amount of the award includes, by virtue of any provision of this Part, an amount in respect of particular costs which a claimant may incur.

(2) Regulations may provide for liability to pay all or part of the award to be discharged by means of provision of a voucher.

(3) But the amount paid by means of a voucher may not in any case exceed the total of the amounts referred to in sub-paragraph (1) which are included in the calculation of the amount of the award.

(4) For these purposes a voucher is a means other than cash by which a claimant may to any extent meet costs referred to in sub-paragraph (1) of a particular description.

(5) A voucher may for these purposes—

(a) be limited as regards the person or persons who will accept it;

(b) be valid only for a limited time.

Work-related requirements

7. Regulations may provide that a claimant who—

(a) asserts a right to reside in the United Kingdom under the EU Treaties, and

(b) would otherwise fall within Article 24, 25 or 26,

is to be treated as not falling within that Article.

Commencement Information

I263 Sch. 1 para. 7 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(iv)**

PROSPECTIVE

Good reason

8. Regulations may for any purpose of this Part provide for—

(a) circumstances in which a person is to be treated as having or not having a good reason for an act or omission;

(b) matters which are or are not to be taken into account in determining whether a person has a good reason for an act or omission.

SCHEDULE 2

Article 37

Universal credit: amendments

The Education Reform (Northern Ireland) Order 1989 (NI 20)

1. In Article 131 of the Education Reform (Northern Ireland) Order 1989 (charges and remissions policies), in paragraph (3)(b), for "or an income-related employment and support allowance (payable under Part 1 of the Welfare Reform Act (Northern Ireland) 2007)" substitute " an income-related employment and support allowance (payable under Part 1 of the Welfare Reform Act (Northern Ireland) 2007) or universal credit in such circumstances as may be prescribed for the purposes of this sub-paragraph ".

Commencement Information
I264 Sch. 2 para. 1 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

The Child Support (Northern Ireland) Order 1991 (NI 23)

2. In the Child Support (Northern Ireland) Order 1991, in paragraph 5 of Schedule 1 (maintenance assessments), as it has effect apart from section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, in sub-paragraph (4) after "Where" insert " universal credit (in such circumstances as may be prescribed), ".

Commencement Information
I265 Sch. 2 para. 2 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

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

3. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

Commencement Information
I266 Sch. 2 para. 3 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)**(v)(aa)**
I267 Sch. 2 para. 3 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

4. In section 1 (entitlement to benefit dependent on claim), in subsection (4), before paragraph (a) insert—

"(za) universal credit;".

Commencement Information
I268 Sch. 2 para. 4 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)**(v)(aa)**
I269 Sch. 2 para. 4 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

5. In section 5 (regulations about claims and payments)—

(a) in subsection (2), before paragraph (a) insert—

"(za) universal credit;";

(b) in subsection (5), after "in relation to" insert " universal credit or ".

Commencement Information
I270 Sch. 2 para. 5 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)**(v)(aa)**

PROSPECTIVE

[F46]**6.** . . . . . .

Textual Amendments
F46 Sch. 2 para. 6 repealed (6.4.2018) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(12)(f)(i)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))

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7. In section 72 (income support and other payments), in subsection (2)(b), after "by way of" insert " universal credit or ".

8. In section 72A (payments of benefit where maintenance payments collected by the Department), in subsection (7), after "applies are" insert " universal credit, ".

Commencement Information
I271 Sch. 2 para. 8 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

PROSPECTIVE

9. In section 74 (recovery of social fund awards), in subsection (6)(d), after "receiving" insert " universal credit, ".

10. In section 100 (failure to maintain - general), in subsection (1)(b), after "neglect" insert " universal credit, ".

Commencement Information
I272 Sch. 2 para. 10 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

11. In section 101 (recovery of expenditure on benefit from person liable for maintenance), in subsections (1), (4), (5) and (6)(a) and (b), after "income support" insert " or universal credit ".

Commencement Information
I273 Sch. 2 para. 11 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

12. In section 103 (reduction of expenditure on income support etc), in subsection (1)(a), after "income support" insert " or universal credit ".

Commencement Information
I274 Sch. 2 para. 12 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

13. In section 115CA (interpretation of Part 6), in subsection (1), after paragraph (hi) insert—

"(hj) Part 2 of the Welfare Reform (Northern Ireland) Order 2015;".

Commencement Information
I275 Sch. 2 para. 13 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)**(v)(bb)**
I276 Sch. 2 para. 13 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

14. In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b) after "Welfare Reform Act (Northern Ireland) 2007" insert " , Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information
I277 Sch. 2 para. 14 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)**(v)(bb)**
I278 Sch. 2 para. 14 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

15. In section 118 (regulations as to notification of death), in subsection (1), after "Welfare Reform Act (Northern Ireland) 2007" insert " , Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information
I279 Sch. 2 para. 15 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)**(v)(bb)**
I280 Sch. 2 para. 15 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

16. In section 119 (information from personal representatives), in subsection (1), after "receipt of" insert " universal credit ".

Commencement Information
I281 Sch. 2 para. 16 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

17. In section 122 (duties of employers; statutory sick pay etc.), in subsection (1), before paragraph (a) insert—

"(za) universal credit;".

Commencement Information
I282 Sch. 2 para. 17 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

18. In section 124 (duties of employers; statutory maternity pay etc.), in subsection (1), before paragraph (a) insert—

"(za) universal credit;".

Commencement Information

I283 Sch. 2 para. 18 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

19. After section 139C insert—

"**139D Effect of alterations affecting universal credit**

(1) Subject to such exceptions and conditions as may be prescribed, subsection (2) or (3) below shall have effect where—

(a) an award of universal credit is in force in favour of any person ("the recipient"), and

(b) an alteration—

(i) in any element of universal credit,

(ii) in the recipient's benefit income,

(iii) in any amount to be deducted in respect of earned income under Article 13(3)(a) of the Welfare Reform (Northern Ireland) Order 2015,

(iv) in any component of a contribution-based jobseeker's allowance,

(v) in any component of a contributory employment and support allowance, or

(vi) in such other matters as may be prescribed,

affects the computation of the amount of universal credit to which he is entitled.

(2) Where, as a result of the alteration, the amount of universal credit to which the recipient is entitled is increased or reduced, then, as from the commencing date, the amount of universal credit payable in the case of the recipient under the award shall be the increased or reduced amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Where, notwithstanding the alteration, the recipient continues on and after the commencing date to be entitled to the same amount by way of universal credit as before, the award shall continue in force accordingly.

(4) Subsection (5) below applies where a statement is made in the House of Commons by or on behalf of the Secretary of State which specifies—

(a) in relation to any of the items referred to in subsection (1)(b)(i) to (vi) above, the amount of the alteration which he proposes to make by an order under section 150, 150A or 152 of the Great Britain Administration Act or by or under any other enactment, and

(b) the date on which he proposes to bring the alteration into force ("the proposed commencing date").

(5) If, in a case where this subsection applies, an award of universal credit is made in favour of a person before the proposed commencing date and after the date on which the statement is made, the award—

(a) may provide for the universal credit to be paid as from the proposed commencing date at a rate determined by reference to the amounts of the items referred to in subsection (1)(b)(i) to (vi) above which will be in force on that date, or

(b) may be expressed in terms of the amounts of those items in force at the date of the award.

(6) In this section—

"alteration"—

(a) in relation to any element of universal credit, means its alteration by or under any enactment;

(b) in relation to a person's benefit income, means the alteration of any of the applicable sums by any enactment or by an order under section 132, 132A or 133 above to the extent that any such alteration affects the amount of his benefit income;

(c) in relation to any component of a contribution-based jobseeker's allowance or a contributory employment and support allowance, means its alteration by or under any enactment;

(d) in relation to any other matter, has such meaning as may be prescribed;

"applicable sums" means sums to which an order made under section 132, 132A or 133 above corresponding to an order made under section 150, 150A or 152 (as the case may be) of the Great Britain Administration Act may apply;

"benefit income", in relation to a person, means so much of his income as consists of benefit under the Contributions and Benefits Act or personal independence payment;

"the commencing date", in relation to an alteration, means the date on which the alteration comes into force in relation to the recipient;

"component"—

(a) in relation to contribution-based jobseeker's allowance, means any of the sums specified in regulations under the Jobseekers (Northern Ireland) Order 1995 which are relevant in calculating the amount payable by way of a jobseeker's allowance;

(b) in relation to a contributory employment and support allowance, means any of the sums specified in regulations under Part 1 of the Welfare Reform Act (Northern Ireland) 2007 which are relevant in calculating the amount payable by way of such an allowance;

"element", in relation to universal credit, means any of the amounts specified in regulations under Articles 14 to 17 of the Welfare Reform (Northern Ireland) Order 2015 which are included in the calculation of an award of universal credit."

Commencement Information

I284 Sch. 2 para. 19 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(cc)

I285 Sch. 2 para. 19 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

PROSPECTIVE

20. After section 140B insert—

"**140C Implementation of increases in universal credit due to attainment of a particular age**

(1) This section applies where—

(a) an award of universal credit is in force in favour of a person ("the recipient"), and

(b) an element has become applicable, or applicable at a particular rate, because he or some other person has reached a particular age ("the qualifying age").

(2) If, as a result of the recipient or other person reaching the qualifying age, the recipient becomes entitled to an increased amount of universal credit, the amount payable to or for him under the award shall, as from the day on which he becomes so entitled, be that increased amount, without any further decision of the Department; and the award shall have effect accordingly.

(3) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to—

(a) a benefit under the Contributions and Benefits Act, or

(b) personal independence payment.

(4) Subsection (2) above does not apply where, in consequence of the recipient or other person reaching the qualifying age, a question arises in relation to the recipient's entitlement to universal credit, other than—

(a) the question whether the element concerned, or any other element, becomes or ceases to be applicable, or applicable at a particular rate, in the recipient's case, and

(b) the question whether, in consequence, the amount of his universal credit falls to be varied.

(5) In this section, "element", in relation to universal credit, means any of the amounts specified in regulations under Articles 14 to 17 of the Welfare Reform (Northern Ireland) Order 2015 which are included in the calculation of an award of universal credit."

21. In section 145 (adjustments between National Insurance Fund and Consolidated Fund)—

(a) in subsection (1)(a)(iii), after "Act" insert " , universal credit ";

(b) in subsection (6)(a) after "income-related employment and support allowance" insert " , universal credit ".

Commencement Information

I286 Sch. 2 para. 21 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(dd)

I287 Sch. 2 para. 21 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

22. In section 149 (functions of Social Security Advisory Committee in relation to regulations etc), subsection (5) in the definition of "the relevant enactments"—

(a) in paragraph (af), for the words from "and 59 to 61" to "to that Act" substitute " , 60 and 61 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; ";

(b) after paragraph (aj) insert—

"(ak) the provisions of Part 2 of the Welfare Reform (Northern Ireland) Order 2015;".

Commencement Information

I288 Sch. 2 para. 22 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(dd)

23.—(1) Section 155 (reciprocal agreements with countries outside the United Kingdom) is amended as follows.

(2) In subsection (3)(a), after "the Welfare Reform Act (Northern Ireland) 2007" insert " , Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

(3) In subsection (4) at the end of paragraphs (aa), (ab) and (ac) omit the word "and".

(4) In subsection (4) at the end of paragraph (ad) insert—

"(ae) to Part 2 of the Welfare Reform (Northern Ireland) Order 2015;".

(5) In subsection (5), before paragraph (a) insert—

"(za) universal credit;".

Commencement Information

I289 Sch. 2 para. 23 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(dd)

I290 Sch. 2 para. 23 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

24. In section 156 (payment of travelling expenses), in paragraphs (a) and (b)(i), after "the Welfare Reform Act (Northern Ireland) 2007" insert " , Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information

I291 Sch. 2 para. 24 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(dd)

I292 Sch. 2 para. 24 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

25. In section 158B (information about postal redirection) in subsection (5)(b), after "1995" insert " , Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information

I293 Sch. 2 para. 25 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(dd)

I294 Sch. 2 para. 25 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

26. In section 163 (certain benefits to be inalienable), in subsection (1), before paragraph (a) insert—

"(za) universal credit;".

Commencement Information

I295 Sch. 2 para. 26 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

27. In section 167(1) (interpretation), in the definition of "benefit", after "includes" insert " universal credit, ".

Commencement Information
I296 Sch. 2 para. 27 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(ii)

The Children (Northern Ireland) Order 1995 (NI 2)

28. In the Children (Northern Ireland) Order 1995, in the following provisions, after "in receipt" insert " of universal credit (except in such circumstances as may be prescribed), "

(a) Article 18(9) (provision of services to children in need, their families and others);

(b) Article 18C(7)(b) (direct payments);

(c) Article 24(3) (recoupment of cost of providing services etc);

(d) Article 39(4) (liability to contribute).

Commencement Information
I297 Sch. 2 para. 28 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

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

29. In Article 4 of the Jobseekers (Northern Ireland) Order 1995, in paragraph (3C) (as inserted by section 11(5) of the Welfare Reform Act (Northern Ireland) 2010), in the definition of "benefit", before sub-paragraph (a) insert—

"(za) universal credit;".

Commencement Information
I298 Sch. 2 para. 29 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

PROSPECTIVE

The Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11)

30. In Article 17 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (social security: amendments following certain orders), at the end of paragraph (2) add " the Welfare Reform Act 2012 ".

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)

31. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information
I299 Sch. 2 para. 31 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

32. In Article 2 (interpretation), in the definition of "benefit", after "means" insert " universal credit, ".

Commencement Information
I300 Sch. 2 para. 32 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

33. In the table in Schedule 2 (calculation of compensation payment), in the section relating to compensation for earnings lost during the relevant period, at the top of the second column insert " Universal credit ".

Commencement Information
I301 Sch. 2 para. 33 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

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

34. The Social Security (Northern Ireland) Order 1998 is amended as follows.

Commencement Information
I302 Sch. 2 para. 34 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(v)**(ee)
I303 Sch. 2 para. 34 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 4(1)**(2)(g)(iii)

35. In Article 4 (use of computers), in paragraph (2)—

(a) in sub-paragraph (i), the final "or" is repealed;

(b) after sub-paragraph (j) insert—

"or

(k) Part 2 of the Welfare Reform (Northern Ireland) Order 2015."

Commencement Information
I304 Sch. 2 para. 35 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(ff)
I305 Sch. 2 para. 35 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(iii)

36. In Article 9 (decisions by the Department)—

(a) in paragraph (3), after sub-paragraph (a) insert—

"(aa) universal credit;";

(b) in paragraph (4), for "or Part 1 of the Welfare Reform Act (Northern Ireland) 2007" substitute " , Part 1 of the Welfare Reform Act (Northern Ireland) 2007 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information
I306 Sch. 2 para. 36 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(gg)
I307 Sch. 2 para. 36 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(iii)

37. In Article 12 (regulations with respect to decisions), in paragraph (3) in the definition of "the current legislation", for "and Part 1 of the Welfare Reform Act (Northern Ireland) 2007" substitute " , Part 1 of the Welfare Reform Act (Northern Ireland) 2007 and Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information
I308 Sch. 2 para. 37 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(hh)

38. In Article 27 (restriction on entitlement in cases of error), in paragraph (7), in the definition of "benefit" for sub-paragraph (f) substitute—

"(f) universal credit;".

Commencement Information
I309 Sch. 2 para. 38 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(iii)

39. In Article 28 (correction of errors in decisions etc.), in paragraph (3)—

(a) in sub-paragraph (f), the final "or" is repealed;

(b) after sub-paragraph (g) insert—

"(h) Part 2 of the Welfare Reform (Northern Ireland) Order 2015."

Commencement Information
I310 Sch. 2 para. 39 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(hh)

40. In Article 39 (interpretation), in paragraph (1), after the definition of "appeal tribunal" insert—

""claimant", in relation to a couple jointly claiming universal credit, means the couple or either member of the couple;".

Commencement Information
I311 Sch. 2 para. 40 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(iii)

41.—(1) Schedule 2 (decisions against which no appeal lies) is amended as follows.

(2) After paragraph 6(b)(iv) insert—

"or

(v) section 139D(1)(b) of that Act (universal credit)."

(3) After paragraph 7 insert—

"Increases in universal credit due to attainment of particular ages

7A. A decision as to the amount of benefit to which a person is entitled, where it appears to the Department that the amount is determined by the recipient's entitlement to an increased amount of universal credit in the circumstances referred to in section 140C(2) of the Administration Act."

Commencement Information

I312 Sch. 2 para. 41(1) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 4(1)**(2)(g)(iii)

I313 Sch. 2 para. 41(2) in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(iii)

PROSPECTIVE

42. In Schedule 3 (decisions against which an appeal lies), after paragraph 3 insert—

"**3A.** A decision as to the amount of a relevant benefit that is payable to a person by virtue of regulations under section 5B, 6, 7 or 8 of the Social Security Fraud Act (Northern Ireland) 2001."

The Immigration and Asylum Act 1999 (c. 33)

43. In section 115(2) of the Immigration and Asylum Act 1999 (exclusion from benefits of persons subject to immigration control), after "support allowance)" insert " , to universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information

I314 Sch. 2 para. 43 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(v)**(hh)

I315 Sch. 2 para. 43 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

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

44. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing), in subsection (1)(a), after "housing benefit" insert " or universal credit ".

Commencement Information

I316 Sch. 2 para. 44 in operation at 10.7.2017 by S.R. 2017/118, **art. 2**

I317 Sch. 2 para. 44 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

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

45. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

Commencement Information

I318 Sch. 2 para. 45 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)**(ii)**

46. In section 5A (definitions), in subsection (1)—

(a) in the definition of "disqualifying benefit", before paragraph (a) insert—

"(za) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 or Part 1 of the Welfare Reform Act 2012 (universal credit);";

(b) in the definition of "sanctionable benefit", before paragraph (a) insert—

"(za) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit);".

Commencement Information
I319 Sch. 2 para. 46 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)**(ii)**

47.—(1) Section 5B (loss of benefit in case of conviction, penalty or caution for benefit offence) is amended as follows.

(2) In subsection (5), for "(6)" substitute " (5A) ".

(3) After subsection (5) insert—

"(5A) The Department may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

(a) the amount payable were reduced in such manner as may be prescribed;

(b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;

(c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;

(d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department."

(4) In subsection (7), after paragraph (c) insert—

"(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department."

Commencement Information
I320 Sch. 2 para. 47(1)-(3) in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)**(ii)**

48.—(1) Section 6 (loss of benefit for commission of benefit offence) is amended as follows.

(2) In subsection (2), for "(3)" substitute " (2A) ".

(3) After subsection (2) insert—

"(2A) The Department may by regulations provide that, where the sanctionable benefit is universal credit, the benefit shall be payable, during the whole or a part of any period comprised in the disqualification period, as if one or more of the following applied—

(a) the amount payable were reduced in such manner as may be prescribed;

(b) the benefit were payable only if there is compliance by the offender with such obligations with respect to the provision of information as may be imposed by the regulations;

(c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;

(d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department."

(4) In subsection (4), after paragraph (c) insert—

"(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department."

Commencement Information

I321 Sch. 2 para. 48(1)-(3) in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)**(ii)**

PROSPECTIVE

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

(2) In subsection (3)—

(a) for "but" at the end of paragraph (a) substitute " and ";

(b) after paragraph (a) insert—

"(aa) shall be payable in the couple's case as if any amount of the allowance payable in prescribed circumstances were recoverable by the Department; but".

(3) In subsection (4), after paragraph (c) insert—

"(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department."

(4) In the opening words to subsections (7) and (8) the words "by virtue of any regulations" are repealed.

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

(2) In subsection (1), before paragraph (a) insert—

"(za) universal credit;".

(3) In subsection (2), for "or" at the end of paragraph (b) substitute " and ".

(4) After subsection (2) insert—

"(2A) In relation to cases in which the benefit is universal credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender's family member, any universal credit shall be payable, during the whole or a part of any period comprised in the relevant period, as if one or more of the following applied—

(a) the amount payable were reduced in such manner as may be prescribed;

(b) the benefit were payable only if there is compliance by the offender or the offender's family member, or both of them, with such obligations with respect to the provision of information as may be imposed by the regulations;

(c) the benefit were payable only if the circumstances are otherwise such as may be prescribed;

(d) any amount of the benefit payable in prescribed circumstances were recoverable by the Department."

(5) In subsection (4), after paragraph (c) insert—

"(d) any amount of the allowance payable in prescribed circumstances were recoverable by the Department."

Commencement Information
I322 Sch. 2 para. 50 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)**(ii)**

51. In section 9(3) (power to supplement and mitigate loss of benefit provisions) after paragraph (bc) insert—

"(bd) any benefit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015 (universal credit);".

Commencement Information
I323 Sch. 2 para. 51 in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)**(ii)**

52.—(1) In section 10 (loss of benefit regulations), subsection (3) is amended as follows.

(2) In paragraph (c)—

(a) for "5B(7)" substitute " 5B(5A), (7) ";

(b) for "6(4)" substitute " 6(2A), (4) ";

(c) for "8(4)" substitute " 8(2A), (4) ".

(3) In paragraph (d) at the end insert " or (aa) ".

Commencement Information
I324 Sch. 2 para. 52(1)(2) in operation at 2.5.2016 by S.R. 2016/215, art. 2(2)(c)(v)**(ii)**

VALID FROM 15/05/2019

The State Pension Credit Act (Northern Ireland) 2002 (c. 14)

53. In section 4 of the State Pension Credit Act (Northern Ireland) 2002 (exclusions), after subsection (1) insert—

"(1A) A claimant is not entitled to state pension credit if he is a member of a couple the other member of which has not attained the qualifying age."

The Welfare Reform Act (Northern Ireland) 2007 (c. 2)

54. In Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007 (employment and support allowance: additional conditions), in paragraph 1(5), before paragraph (a) insert—

"(za) universal credit,".

Commencement Information
I325 Sch. 2 para. 54 in operation at 27.9.2017 by S.R. 2017/190, **art. 4(1)**(2)(g)(i)

SCHEDULE 3

Article 39(3)

Abolition of benefits: consequential amendments

PROSPECTIVE

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

1. The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows.

PROSPECTIVE

2. In section 22 (earnings factors), in subsections (2)(a) and (5), for "a contributory" substitute " an ".

PROSPECTIVE

3. In section 146 (interpretation of Part 10), in subsection (2)—

(a) in the definition of "qualifying employment and support allowance", for "a contributory allowance" substitute " an employment and support allowance ";

(b) in the appropriate place insert—

""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;";

(c) after subsection (2) insert—

"(2A) For the purposes of this Part, 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."

PROSPECTIVE

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

4. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

PROSPECTIVE

5. In section 71 (overlapping benefits), in subsections (1) and (4)(c), for "a contributory" substitute " an ".

PROSPECTIVE

6. In section 139A(5) for the definition of "applicable sums" substitute—

""applicable sums" means sums to which an order made under **[**[F47]section 132, 132A, 132B**]** or 133 corresponding to an order made under **[**[F48]section 150, 150A, 151A**]** or 152 (as the case may be) of the Great Britain Administration Act may apply;".

Textual Amendments

F47 Words in Sch. 3 para. 6 substituted (coming into operation in accordance with art. 1(b) of the amending S.R.) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(b), **4(a)**

F48 Words in Sch. 3 para. 6 substituted (coming into operation in accordance with art. 1(b) of the amending S.R.) by The Pensions (2015 Act) (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/353), arts. 1(b), **4(b)**

PROSPECTIVE

7. In section 139B (effect of alterations affecting state pension credit), for "a contributory", wherever occurring, substitute " an ".

PROSPECTIVE

8. In section 139C (effect of alteration of rates of an employment and support allowance), in subsection (6) in the definition of "applicable sums" for "section 139 above" substitute " section 139A(5) above ".

PROSPECTIVE

9. In section 139D (as inserted by Schedule 2 to this Order) (effect of alterations affecting universal credit), for "a contributory", wherever occurring, substitute " an ".

PROSPECTIVE

10. In section 158B (information about postal redirection) in subsection (7), for "subsections (1) and (2)" substitute " subsection (1) ".

PROSPECTIVE

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

11. In Schedule 1 to the Social Security (Northern Ireland) Order 1998, in paragraph 4(1)(a), for “, Article 22 of the Child Support Order or paragraph 6 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000” substitute “ or Article 22 of the Child Support Order ”.

PROSPECTIVE

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

12. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing)—

(a) in subsection (1), omit the words “by regulations make provision conferring a power on relevant authorities to”;

(b) in subsection (1)(b), for “such an authority” substitute “ the Department ”;

(c) for subsection (2) substitute—

“(2) The Department may by regulations—

(a) prescribe the circumstances in which it may make discretionary housing payments;

(b) confer a discretion on the Department (subject to any provision made by virtue of paragraph (c) or (d))—

(i) as to whether or not to make discretionary housing payments in a particular case; and

(ii) as to the amount of the payments and the period for or in respect of which they are made;

(c) impose a limit on the amount of the discretionary housing payment that it may make in any particular case;

(d) restrict the period for or in respect of which it may make discretionary housing payments;

(e) prescribe the form and manner in which claims for discretionary housing payments are to be made and about the procedure to be followed in dealing with and disposing of such claims;

(f) impose conditions on persons claiming or receiving discretionary housing payments requiring them to provide to the Department such information as may be prescribed;

(g) prescribe the circumstances in which it is entitled to cancel the making of further such payments or to recover a payment already made; or

(h) require or authorise the Department to review the decisions made by the Department with respect to the making, cancellation or recovery of discretionary housing payments.”;

(d) in subsection (5), omit the words “or different relevant authorities”;

(e) for subsection (6) substitute—

"(6) In this section "prescribed" means prescribed by or determined in accordance with regulations made by the Department."

PROSPECTIVE

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

13. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

PROSPECTIVE

14. In section 5B (loss of benefit for conviction etc.), in subsection (5), for "to (10)" substitute " and (8) ".

PROSPECTIVE

15. In section 6 (loss of benefit for commission of benefit offences), in subsection (2), for "to (5)" substitute " and (4A) ".

PROSPECTIVE

16. In section 10 (loss of benefit regulations), in subsection (3)(c), for the words from "section" to the end substitute " section 5B(5A) or (8), 6(2A) or (4A) or 8(2A) or (4A) ".

The Welfare Reform Act (Northern Ireland) 2007 (c. 2)

17. The Welfare Reform Act (Northern Ireland) 2007 is amended as follows.

Commencement Information

I326 Sch. 3 para. 17 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

I327 Sch. 3 para. 17 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with art. 5) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)

I328 Sch. 3 para. 17 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)

I329 Sch. 3 para. 17 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)

18. In section 1 (employment and support allowance), in subsection (3)(d), at the end insert " and ".

Commencement Information

I330 Sch. 3 para. 18 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

I331 Sch. 3 para. 18 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with art. 5) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)

I332 Sch. 3 para. 18 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)

I333 Sch. 3 para. 18 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)

19. In section 2 (amount of contributory allowance), in subsection (1), for "In the case of a contributory allowance, the amount payable" substitute " The amount payable by way of an employment and support allowance ".

Commencement Information

I334 Sch. 3 para. 19 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(vi)**

I335 Sch. 3 para. 19 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

I336 Sch. 3 para. 19 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with art. 5) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)

I337 Sch. 3 para. 19 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)

I338 Sch. 3 para. 19 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)

20. In section 27 (financial provisions)—

(a) in subsection (1), for the words from "so much of" to the end substitute " any sums payable by way of employment and support allowance ";

(b) in subsection (2), for "contributory" substitute " employment and support ".

Commencement Information

I339 Sch. 3 para. 20 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

I340 Sch. 3 para. 20 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with art. 5) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)

I341 Sch. 3 para. 20 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)

I342 Sch. 3 para. 20 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)

21. In each of the following provisions, for "a contributory allowance" substitute " an employment and support allowance "

(a) section 1A(1), (3), (4), (5) and (6) (as inserted by Article 57 of this Order);

(b) section 1B(1) (as inserted by Article 58 of this Order);

(c) section 3(2)(d);

(d) section 18(4);

(e) section 20(1)(a), (2), (3)(a), (b) and (c), (4), (5)(a), (b) and (c), (6) and (7)(a), (b) and (c);

(f) in Schedule 1, paragraphs 1(5)(d) and 3(2)(a);

(g) in Schedule 2, paragraphs 6 and 7(2)(d).

Commencement Information

I343 Sch. 3 para. 21(c)-(g) in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(2)(c)(vi)**

I344 Sch. 3 para. 21 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 6** (with arts. 7, 8, 10-25, Sch. 3)

I345 Sch. 3 para. 21 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with art. 5) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)

I346 Sch. 3 para. 21 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)

I347 Sch. 3 para. 21 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)

PROSPECTIVE

SCHEDULE 4 Article 40

Housing credit element of state pension credit

PART 1

Amendments to State Pension Credit Act (Northern Ireland) 2002

The State Pension Credit Act (Northern Ireland) 2002 (c. 14)

1. The State Pension Credit Act (Northern Ireland) 2002 is amended as follows.

2. In section 1 (entitlement), in subsection (2)(c) at the end insert—

"or

(iii) the conditions in section 3A(1) and (2) (housing credit)."

3. In section 1, in subsection (3)—

(a) after paragraph (b) insert—

"or

(c) to a housing credit, calculated in accordance with section 3A, if he satisfies the conditions in subsections (1) and (2) of that section,";

(b) for the words from "(or to both" to the end substitute " (or to more than one of them, if he satisfies the relevant conditions). "

4. After section 3 insert—

"**3A Housing credit**

(1) The first of the conditions mentioned in section 1(2)(c)(iii) is that the claimant is liable to make payments in respect of the accommodation he occupies as his home.

(2) The second of the conditions mentioned in section 1(2)(c)(iii) is that the claimant's capital and income are such that the amount of the housing credit payable (if he were entitled to it) would not be less than a prescribed amount.

(3) Where the claimant is entitled to a housing credit, the amount of the housing credit shall be an amount calculated in or determined under regulations (which may be zero).

(4) For the purposes of subsection (1)—

(a) the accommodation must be in Northern Ireland;

(b) the accommodation must be residential accommodation;

(c) it is immaterial whether the accommodation consists of the whole or part of a building and whether or not it comprises separate and self-contained premises.

(5) Regulations may make provision as to—

(a) the meaning of "payments in respect of accommodation" for the purposes of this section (and, in particular, as to the extent to which such payments include mortgage payments);

(b) circumstances in which a claimant is to be treated as liable or not liable to make such payments;

(c) circumstances in which a claimant is to be treated as occupying or not occupying accommodation as his home (and, in particular, for temporary absences to be disregarded);

(d) circumstances in which land used for the purposes of any accommodation is to be treated as included in the accommodation.

(6) Regulations under this section may make different provision for different areas."

5. In section 7 (fixing of retirement provision for assessed income period), at the end insert—

"(10) Regulations may prescribe circumstances in which subsection (3) does not apply for the purposes of determining the amount of a housing credit to which the claimant is entitled."

6. In section 12 (polygamous marriages), in subsection (2)(b), after "savings credit" insert " or housing credit ".

7. In section 17 (interpretation), in subsection (1), after the definition of "guarantee credit" insert—

""housing credit" shall be construed in accordance with sections 1 and 3A;".

8. In Schedule 2 (consequential amendments etc.), paragraph 9(d)(i) is repealed.

PART 2

Amendments to other Acts

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

9. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

10. In section 5 (regulations about claims and payments), in subsection (5), before "subsection" insert " or housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) ".

[F49]**11.** . . . . . .

Textual Amendments

F49 Sch. 4 para. 11 repealed (6.4.2018) by The Welfare Reform and Work (Northern Ireland) Order 2016 (S.I. 2016/999), arts. 2(1), **15(12)(f)(ii)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))

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

12. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing), in subsection (1)(a), after "universal credit" insert " or housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) ".

SCHEDULE 5 Article 41

Universal credit and other working age benefits

General

1.—(1) In this Schedule "relevant benefit" means—

(a) jobseeker's allowance, or

(b) employment and support allowance.

(2) In this Schedule "work-related requirement" means—

(a) a work-related requirement within the meaning of this Part,

(b) a work-related requirement within the meaning of the Jobseekers Order, or

(c) a work-related requirement within the meaning of Part 1 of the Welfare Reform Act (Northern Ireland) 2007.

(3) In this Schedule "sanction" means a reduction of benefit under—

(a) Article 31 or 32,

(b) Article 8J or 8K of the Jobseekers Order (as inserted by Article 55(4) of this Order), or

(c) section 11J of the Welfare Reform Act (Northern Ireland) 2007 (as inserted by Article 63(2) of this Order).

Commencement Information

I348 Sch. 5 para. 1 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(vii)**

Dual entitlement

2.—(1) Regulations may make provision as to the amount payable by way of a relevant benefit where a person is entitled to that benefit and universal credit.

(2) Regulations under sub-paragraph (1) may in particular provide for no amount to be payable by way of a relevant benefit.

(3) Regulations may, where a person is entitled to a relevant benefit and universal credit—

(a) make provision as to the application of work-related requirements;

(b) make provision as to the application of sanctions.

(4) Provision under sub-paragraph (3)(a) includes in particular—

(a) provision securing that compliance with a work-related requirement for a relevant benefit is to be treated as compliance with a work-related requirement for universal credit;

(b) provision disapplying any requirement on the Department to impose, or a person to comply with, a work-related requirement for a relevant benefit or universal credit.

(5) Provision under sub-paragraph (3)(b) includes in particular—

(a) provision for the order in which sanctions are to be applied to awards of a relevant benefit and universal credit;

(b) provision to secure that the application of a sanction to an award of a relevant benefit does not result in an increase of the amount of an award of universal credit.

Commencement Information

I349 Sch. 5 para. 2 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(vii)**

Movement between working-age benefits

3. Regulations may provide—

(a) in a case where a person ceases to be entitled to universal credit and becomes entitled to a relevant benefit, for a sanction relating to the award of universal credit to be applied to the award of the relevant benefit;

(b) in a case where a person ceases to be entitled to a relevant benefit and becomes entitled to universal credit, for a sanction relating to the award of the relevant benefit to be applied to the award of universal credit;

(c) in a case where a person ceases to be entitled to one relevant benefit and becomes entitled to the other, for a sanction relating to the award of the former to apply to the award of the latter.

Commencement Information

I350 Sch. 5 para. 3 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(vii)**

PROSPECTIVE

Hardship payments

4. Regulations under Article 33 (hardship payments) may be made in relation to a person whose award of universal credit is reduced by virtue of regulations under paragraph 2(3)(b) or 3(b) as in relation to a person whose award is reduced under Article 31 or 32.

PROSPECTIVE

Earnings tapers

5. In Article 6 of the Jobseekers Order (amount payable by way of a jobseeker's allowance), in paragraph (1)(b)—

(a) after "making" insert—

"(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and

(ii)";

(b) "earnings," (before "pension payments") is repealed.

6.—(1) Section 2 of the Welfare Reform Act (Northern Ireland) 2007 (amount of contributory allowance) is amended as follows.

(2) In subsection (1)(c), after "making" insert—

"(i) deductions in respect of earnings calculated in the prescribed manner (which may include multiplying some or all earnings by a prescribed percentage), and

(ii)".

(3) At the end insert—

"(6) In subsection (1)(c)(i) the reference to earnings is to be construed in accordance with sections 3, 4 and 112 of the Contributions and Benefits Act."

Commencement Information

I351 Sch. 5 para. 6 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(vii)**

SCHEDULE 6 Article 42

Migration to universal credit

General

1.—(1) Regulations may make provision for the purposes of, or in connection with, replacing existing benefits with universal credit.

(2) In this Schedule "existing benefit" means—

(a) a benefit abolished under Article 39(1);

(b) any other prescribed benefit.

(3) In this Schedule "appointed day" means the day appointed for the coming into operation of Article 6.

Commencement Information

I352 Sch. 6 para. 1 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(viii)**

Claims before the appointed day

2.—(1) The provision referred to in paragraph 1(1) includes—

(a) provision for a claim for universal credit to be made before the appointed day for a period beginning on or after that day;

(b) provision for a claim for universal credit made before the appointed day to be treated to any extent as a claim for an existing benefit;

(c) provision for a claim for an existing benefit made before the appointed day to be treated to any extent as a claim for universal credit.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for universal credit is made (or is treated as made) before the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and amount of, such an award).

Commencement Information
I353 Sch. 6 para. 2 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(viii)**

Claims on or after the appointed day

3.—(1) The provision referred to in paragraph 1(1) includes—

(a) provision permanently or temporarily excluding the making of a claim for universal credit on or after the appointed day by—

(i) a person to whom an existing benefit is awarded, or

(ii) a person who would be entitled to an existing benefit on making a claim for it;

(b) provision temporarily excluding the making of a claim for universal credit on or after the appointed day by any other person;

(c) provision excluding entitlement to universal credit temporarily or for a particular period;

(d) provision for a claim for universal credit made on or after the appointed day to be treated to any extent as a claim for an existing benefit;

(e) provision for a claim for an existing benefit made on or after the appointed day to be treated to any extent as a claim for universal credit.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for universal credit is made (or is treated as made) on or after the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and amount of, such an award).

Commencement Information
I354 Sch. 6 para. 3 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(viii)**

Awards

4.—(1) The provision referred to in paragraph 1(1) includes—

(a) provision for terminating an award of an existing benefit;

(b) provision for making an award of universal credit, with or without application, to a person whose award of existing benefit is terminated.

(2) The provision referred to in sub-paragraph (1)(b) includes—

(a) provision imposing requirements as to the procedure to be followed, information to be supplied or assessments to be undergone in relation to an award by virtue of that sub-paragraph or an application for such an award;

(b) provision as to the consequences of failure to comply with any such requirement;

(c) provision as to the terms on which, and conditions subject to which, such an award is made, including—

(i) provision temporarily or permanently disapplying, or otherwise modifying, conditions of entitlement to universal credit in relation to the award;

(ii) provision temporarily or permanently disapplying, or otherwise modifying, any requirement under this Part for a person to be assessed in respect of capability for work or work-related activity;

(d) provision as to the amount of such an award;

(e) provision that fulfilment of any condition relevant to entitlement to an award of an existing benefit, or relevant to the amount of such an award, is to be treated as fulfilment of an equivalent condition in relation to universal credit.

(3) Provision under sub-paragraph (2)(d) may secure that where an award of universal credit is made by virtue of sub-paragraph (1)(b)—

(a) the amount of the award is not less than the amount to which the person would have been entitled under the terminated award, or is not less than that amount by more than a prescribed amount;

(b) if the person to whom it is made ceases to be entitled to universal credit for not more than a prescribed period, the gap in entitlement is disregarded in calculating the amount of any new award of universal credit.

Commencement Information

I355 Sch. 6 para. 4 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(viii)**

Work-related requirements and sanctions

5.—(1) The provision referred to in paragraph 1(1) includes—

(a) provision relating to the application of work-related requirements for relevant benefits;

(b) provision relating to the application of sanctions.

(2) The provision referred to in sub-paragraph (1)(a) includes—

(a) provision that a claimant commitment for a relevant benefit is to be treated as a claimant commitment for universal credit;

(b) provision that a work-related requirement for a relevant benefit is to be treated as a work-related requirement for universal credit;

(c) provision for anything done which is relevant to compliance with a work-related requirement for a relevant benefit to be treated as done for the purposes of compliance with a work-related requirement for universal credit;

(d) provision temporarily disapplying any provision of this Part in relation to work-related requirements for universal credit.

(3) The provision referred to in sub-paragraph (1)(b) includes—

(a) provision for a sanction relevant to an award of a relevant benefit to be applied to an award of universal credit;

(b) provision for anything done which is relevant to the application of a sanction for a relevant benefit to be treated as done for the purposes of the application of a sanction for universal credit;

(c) provision temporarily disapplying any provision of this Part in relation to the application of sanctions.

(4) In this paragraph—

"relevant benefit" means—

(a) jobseeker's allowance,

(b) employment and support allowance, and

(c) income support;

"work-related requirement" means—

(d) for universal credit, a work-related requirement within the meaning of this Part;

(e) for jobseeker's allowance, a requirement imposed—

(i) by virtue of regulations under Article 10 or 19A of the Jobseekers Order,

(ii) by a jobseeker's direction (within the meaning of Article 21A of that Order),

(iii) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or

(iv) by a direction under section 2F of that Act;

(f) for employment and support allowance, a requirement imposed—

(i) by virtue of regulations under section 8, 9, 11, 12 or 13 of the Welfare Reform Act (Northern Ireland) 2007,

(ii) by a direction under section 15 of that Act,

(iii) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or

(iv) by a direction under section 2F of that Act;

(g) for income support, a requirement imposed—

(i) by virtue of regulations under section 2A, 2AA or 2D of the Administration Act, or

(ii) by a direction under section 2F of that Act;

"sanction" means a reduction of benefit under—

(h) Article 31 or 32,

(i) Article 21, 21A or 21B of the Jobseekers Order,

(j) section 11, 12 or 13 of the Welfare Reform (Northern Ireland) Act 2007, or

(k) section 2A, 2AA or 2D of the Administration Act.

Commencement Information

I356 Sch. 6 para. 5 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(viii)**

Supplementary

6. Regulations under paragraph 1(1) may secure the result that any gap in entitlement to an existing benefit (or what would, but for the provisions of this Part, be a gap in entitlement to an existing benefit) is to be disregarded for the purposes of provision under such regulations.

Commencement Information
I357 Sch. 6 para. 6 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(viii)**

7. Regulations under paragraph 1(1) may amend or modify the application of any statutory provision.

Commencement Information
I358 Sch. 6 para. 7 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(2)(c)(viii)**

SCHEDULE 7

Article 54

Jobseeker's allowance in interim period: consequential amendments

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

1. The Jobseekers (Northern Ireland) Order 1995 is amended as follows.

Commencement Information
I359 Sch. 7 para. 1 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 3(1)**(2)(g)

2. **[**[F50]In Article 2 (interpretation), in paragraph (2), before the definition of "jobseeking period" insert—

""jobseeker's direction" has the meaning given by Article 21A;".**]**

Textual Amendments
F50 Sch. 7 para. 2 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information
I360 Sch. 7 para. 2 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

3.—**[**[F51](1) Article 10 (attendance etc.) is amended as follows.

(2) In paragraph (1A)(a) (as originally enacted), for "the Department, or any other Department" substitute " an employment officer ".

(3) In paragraph (2), for sub-paragraphs (a) to (c) substitute—

"(a) provide for entitlement to a jobseeker's allowance to cease at such time as may be determined in accordance with any such regulations if, when a person fails to comply with such regulations, that person (or, if that person is a member of a joint-claim couple, either member of the couple) does not make prescribed contact with an employment officer within a prescribed period of the failure;"**]**

Textual Amendments

F51 Sch. 7 para. 3 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I361 Sch. 7 para. 3 in operation at 1.6.2016 for specified purposes by S.R. 2016/234, **art. 2(2)(a)(ii)**

I362 Sch. 7 para. 3 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 3(1)**(2)(h)

4. In Articles 18(3)(b) and 19(4) for "good cause" substitute " a good reason ".

Commencement Information

I363 Sch. 7 para. 4 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

PROSPECTIVE

[F52]5. . . . . . .

Textual Amendments

F52 Sch. 7 para. 5 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

6. **[**[F53]Article 22 (exemptions from Article 21) is amended as follows—

(a) in the heading, after "21" insert " and 21A ";

(b) in paragraph (1), for "prevent payment" substitute " authorise reduction ";

(c) in paragraph (2), for "21" substitute "21A" and for "(5)" substitute " (2)(c) to (g) ";

(d) in paragraph (3), for "21(6)(b) or (d)" substitute "21(2)(b) or (d)" and for " just cause " substitute "good reason".**]**

Textual Amendments

F53 Sch. 7 para. 6 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I364 Sch. 7 para. 6 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

7. Articles 22C and 22D (sanctions for violent conduct etc. in connection with claim) are repealed.

Commencement Information

I365 Sch. 7 para. 7 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

8. **[**[F54]In Article 24 (members of the forces), in paragraph (2), for "Article 21(6)(b)" substitute " Article 21(2)(b) ".**]**

Textual Amendments

F54 Sch. 7 para. 8 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I366 Sch. 7 para. 8 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

9. **[**[F55]In Article 36 (regulations and orders), after paragraph (2) insert—

"(2A) The Statutory Rules (Northern Ireland) Order 1979 shall not apply to any order under Article 2(2) in relation to employment officers."**]**

Textual Amendments

F55 Sch. 7 para. 9 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I367 Sch. 7 para. 9 in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

10.—(1) **[**[F56]Schedule 1 (supplementary) is amended as follows.**]**

(2) In paragraph 8(b), for "entered into a jobseeker's agreement" substitute " accepted a claimant commitment ".

(3) **[**[F57]In paragraph 8B, in sub-paragraph (3)—

(a) for the first "entered into a jobseeker's agreement" substitute " accepted a claimant commitment ";

(b) for "11(10)" substitute " 11(9) ";

(c) for "entered into a jobseeker's agreement which is in force for" substitute " accepted a claimant commitment during ".**]**

(4) **[**[F58]In paragraph 10, after sub-paragraph (5) insert—

"(6) References in sub-paragraphs (1) and (2) to an income-based jobseeker's allowance include a payment by way of such an allowance under Article 21C."**]**

Textual Amendments

F56 Sch. 7 para. 10(1) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F57 Sch. 7 para. 10(3) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

F58 Sch. 7 para. 10(4) repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I368 Sch. 7 para. 10(1) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 3(1)**(2)(h)

I369 Sch. 7 para. 10(4) in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

PROSPECTIVE

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

[F59]11. . . . . . .

Textual Amendments

F59 Sch. 7 para. 11 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

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

12.—(1) Section 7 of the Social Security Fraud Act (Northern Ireland) 2001 (effect of offence on claim) is amended as follows.

(2) In subsection (2)—

(a) at the beginning insert " Except in prescribed circumstances ";

(b) in paragraph (b), for sub-paragraph (i) substitute—

"(i) is a person whose failure sanctionable under Article 21, 21A or 21B of the Jobseekers Order has given rise to a reduction under that Article; or".

(3) Subsection (5) is repealed.

Commencement Information

I370 Sch. 7 para. 12 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(3)(a)(iv)**

I371 Sch. 7 para. 12 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 3(1)**(2)(h)

PROSPECTIVE

The Welfare Reform Act (Northern Ireland) 2010 (c. 13)

13. The Welfare Reform Act (Northern Ireland) 2010 is amended as follows.

PROSPECTIVE

14.—(1) Section 25 (well-being of children) is amended as follows.

(2) In subsection (1)—

(a) for "(the jobseeker's agreement)" substitute " (as substituted by Article 50 of the Welfare Reform (Northern Ireland) Order 2015 (the claimant commitment)) ";

(b) in the inserted paragraph (4A), for "preparing a jobseeker's agreement for a claimant" substitute " considering whether to invite a claimant to accept a claimant commitment ".

15.—[[F60](1) Section 26 (contracting out) is amended as follows.

(2) In subsection (2), in Article 22E inserted into the Jobseekers Order—

(a) for paragraph (2)(a) and (b) substitute—

"(a) any function under Article 10 (attendance etc);

(b) any function under Article 11 or 12 in relation to a claimant commitment;";

(b) after paragraph (2)(d) insert—

"(e) functions under Article 21 or 21A;";

(c) in paragraph (4)(a), "or 19A" is repealed.

(3) In subsection (3), for paragraphs (a) to (d) substitute—

"(a) Article 10(1)(a), (1A) and (2);

(b) Articles 11 and 12 (in all places);

(c) Article 18(3)(b)(ii);

(d) Articles 21 and 21A (in all places);".**]**

Textual Amendments

F60 Sch. 7 para. 15 repealed (27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 4**; S.R. 2017/190, **art. 9** (with arts. 10-25)

Commencement Information

I372 Sch. 7 para. 15(1) in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 3(1)**(2)(h)

I373 Sch. 7 para. 15(2)(c) in operation at 27.9.2017 by S.R. 2017/190, **art. 3(1)**(2)(h)

SCHEDULE 8

Article 76(8)

Social fund discretionary payments: consequential amendments

1. The Administration Act is amended as follows.

Commencement Information
I374 Sch. 8 para. 1 in operation at 28.11.2016 for specified purposes by S.R. 2016/411, **art. 2(2)(b)** (with art. 4)

2. In section 74(4) (recovery of funeral payments out of social fund), after "Payments" insert " out of the social fund ".

Commencement Information
I375 Sch. 8 para. 2 in operation at 28.11.2016 for specified purposes by S.R. 2016/411, **art. 2(2)(b)** (with art. 4)

3. In section 75 (recovery of Great Britain payments), in paragraph (c), for the words from "under subsection" to the end substitute " under section 69(8) ".

Commencement Information
I376 Sch. 8 para. 3 in operation at 28.11.2016 for specified purposes by S.R. 2016/411, **art. 2(2)(b)** (with art. 4)
I377 Sch. 8 para. 3 in operation at 27.9.2017 in so far as not already in operation by S.R. 2017/190, **art. 3(1)**(2)(i)

4. In Part 1 of Schedule 4 (persons employed in social security administration), under the heading "Former statutory bodies", after the entry for "A social fund officer" insert—

> "The social fund Commissioner. A social fund inspector. A member of any staff employed in connection with the social fund."

Commencement Information
I378 Sch. 8 para. 4 in operation at 31.3.2017 by S.R. 2016/411, **art. 3(2)(b)**

SCHEDULE 9

Article 96

Personal independence payment: amendments

The Child Support (Northern Ireland) Order 1991 (NI 23)

1. In Article 10 of the Child Support (Northern Ireland) Order 1991 (role of the courts with respect to maintenance for children), in paragraph (8)(a), at the beginning insert " an allowance under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 (personal independence payment) or ".

Commencement Information
I379 Sch. 9 para. 1 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

2. The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows.

Commencement Information
I380 Sch. 9 para. 2 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(i)**

PROSPECTIVE

3. In section 30B (incapacity benefit: rate), in subsection (4), after paragraph (a) insert—

"(aa) is entitled to the daily living component of personal independence payment at a rate designated by regulations under this paragraph, or".

4.—(1) Section 64 (entitlement to attendance allowance) is amended as follows.

(2) In subsection (1), for "the care component of a disability living allowance" substitute " an allowance within subsection (1A) ".

(3) After subsection (1) insert—

"(1A) The following allowances are within this subsection—

(a) personal independence payment;

(b) the care component of a disability living allowance."

Commencement Information
I381 Sch. 9 para. 4 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(i)**

5. In section 146 (Christmas bonus for pensioners: interpretation), in subsection (1), after paragraph (ba) insert—

"(bb) personal independence payment;".

Commencement Information
I382 Sch. 9 para. 5 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

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

6. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.

Commencement Information
I383 Sch. 9 para. 6 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(i)**

7.—(1) Section 1 (entitlement to benefit dependent on claim) is amended as follows.

(2) In subsection (3)—

(a) before paragraph (a) insert—

"(za) for personal independence payment by virtue of Article 87 of the Welfare Reform (Northern Ireland) Order 2015; or";

(b) paragraph (b) and the "or" preceding it are repealed.

(3) In subsection (4), after paragraph (ac) insert—

"(ad) personal independence payment."

Commencement Information

I384 Sch. 9 para. 7(1)(3) in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(i)**

I385 Sch. 9 para. 7(2) in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

8. In section 5(2) (regulations about claims for and payments of benefit), after paragraph (ac) insert—

"(ad) personal independence payment;".

Commencement Information

I386 Sch. 9 para. 8 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(i)**

9. In section 69(11) (overpayments), after paragraph (ac) insert—

"(ad) personal independence payment;".

Commencement Information

I387 Sch. 9 para. 9 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

10. In section 71 (overlapping benefits - general), after subsection (5) insert—

"(6) Personal independence payment is to be treated for the purposes of this section as if it were benefit as defined in section 121 of the Contributions and Benefits Act."

Commencement Information

I388 Sch. 9 para. 10 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

11. In section 115CA (interpretation of Part 6), in subsection (1), after paragraph (hj) (inserted by Schedule 2 to this Order) insert—

"(hk) Part 5 of that Order;".

Commencement Information

I389 Sch. 9 para. 11 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

12. In section 116B (supply of other government information for fraud prevention and verification), in subsection (3)(b), after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " , Part 5 of that Order ".

Commencement Information
I390 Sch. 9 para. 12 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

13. In section 116C (supply of information to the Housing Executive), in subsection (6)(b), after "Welfare Reform Act (Northern Ireland) 2007" insert " , Part 5 of the Welfare Reform (Northern Ireland) Order 2015 ".

Commencement Information
I391 Sch. 9 para. 13 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

14. In section 118 (regulations as to notifications of deaths), in subsection (1), after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " , Part 5 of that Order ".

Commencement Information
I392 Sch. 9 para. 14 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

15. In section 139 (effect in alteration in the component rates of income support), in subsection (5), in the definition of "benefit income", after "income support;" insert—

"(aa) personal independence payment;".

Commencement Information
I393 Sch. 9 para. 15 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

16. In section 139A (effect of alteration of rates of a jobseeker's allowance), in subsection (5), in the definition of "benefit income", after "Contributions and Benefits Act;" insert—

"(aa) personal independence payment;".

Commencement Information
I394 Sch. 9 para. 16 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

17. In section 139B (effect of alterations affecting state pension credit), in subsection (6), in the definition of "benefit income", after "Contributions and Benefits Act" insert " or personal independence payment ".

Commencement Information
I395 Sch. 9 para. 17 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

18. In section 139C (effect of alteration of rates of an employment and support allowance), in subsection (6), in the definition of "benefit income", after "Contributions and Benefits Act" insert " or personal independence payment ".

Commencement Information
I396 Sch. 9 para. 18 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

19. In section 140 (implementation of increases in income support due to attainment of particular ages), in subsection (3), after "entitlement to" insert " personal independence payment or to ".

Commencement Information
I397 Sch. 9 para. 19 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

20. In section 140A (implementation of increases in income-based jobseeker's allowance due to attainment of particular ages), in subsection (3), after "Contributions and Benefits Act;" insert—

"(aa) personal independence payment;".

Commencement Information
I398 Sch. 9 para. 20 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

21. In section 140B (implementation of increases in employment and support allowance due to attainment of particular ages), in subsection (3), for the words from "a benefit" to the end substitute—

"(a) a benefit under the Contributions and Benefits Act; or

(b) personal independence payment."

Commencement Information
I399 Sch. 9 para. 21 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

22. In section 145 (adjustments between National Insurance Fund and Consolidated Fund), in subsection (1)(a)(iii), after "universal credit" (inserted by Schedule 2 to this Order) insert " , personal independence payment ".

Commencement Information
I400 Sch. 9 para. 22 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

23. In section 149 (functions of Social Security Advisory Committee in relation to legislation and regulations), in subsection (5), after paragraph (ak) (inserted by Schedule 2 to this Order) insert—

"(al) Part 5 of that Order;".

Commencement Information
I401 Sch. 9 para. 23 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

24.—(1) Section 155 (reciprocal agreements) is amended as follows.

(2) In subsection (3)(a), after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " , Part 5 of that Order ".

(3) In subsection (4), after paragraph (ae) (inserted by Schedule 2 to this Order) insert—

"(af) to Part 5 of that Order;".

Commencement Information
I402 Sch. 9 para. 24 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

25. In section 156 (payment of travelling expenses), in paragraphs (a) and (b)(i), after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " , Part 5 of that Order ".

Commencement Information
I403 Sch. 9 para. 25 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

26. In section 158B (information about postal redirection), in subsection (5)(b), after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " , Part 5 of that Order ".

Commencement Information
I404 Sch. 9 para. 26 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

27. In section 160 (control of pneumoconiosis), in subsection (1)(c) for "benefit as defined in section 121 of the Contributions and Benefits Act" substitute " personal independence payment, or benefit as defined in section 121 of the Contributions and Benefits Act, ".

Commencement Information
I405 Sch. 9 para. 27 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

28. In section 163 (inalienability), in subsection (1), after paragraph (ac) insert—

"(ad) personal independence payment;".

Commencement Information
I406 Sch. 9 para. 28 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

29. In section 167 (interpretation), in subsection (1), in the definition of "benefit", for ", state pension credit and an employment and support allowance" substitute " state pension credit, an employment and support allowance and personal independence payment ".

Commencement Information
I407 Sch. 9 para. 29 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(5)(h)(ii)**
I408 Sch. 9 para. 29 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, **art. 3(2)**

30. In Schedule 5 (regulations not requiring prior submission to Social Security Advisory Committee), before paragraph 1 insert—

"Personal independence payment

A1. Regulations under Article 83(3) or 84(3) of the Welfare Reform (Northern Ireland) Order 2015."

Commencement Information
I409 Sch. 9 para. 30 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

31. In Article 25 of the Road Traffic (Northern Ireland) Order 1995 (payments in respect of applicants for exemption from wearing seat belts), in paragraph (2), after sub-paragraph (a) insert—

"(aa) those in receipt of personal independence payment;".

Commencement Information
I410 Sch. 9 para. 31 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)

32. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information
I411 Sch. 9 para. 32 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

33. In Article 2(2) (interpretation), in the definition of "benefit", after "employment and support allowance" insert " , personal independence payment ".

Commencement Information
I412 Sch. 9 para. 33 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

34. In Schedule 2 (calculation of compensation payment), in the table—

(a) in the section relating to compensation for cost of care incurred during the relevant period, in the second column, after the entry for attendance allowance insert—

"Daily living component of personal independence payment";

(b) in the section relating to compensation for loss of mobility during the relevant period, in the second column, after the entry for mobility allowance insert—

"Mobility component of personal independence payment".

Commencement Information
I413 Sch. 9 para. 34 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

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

35. The Social Security (Northern Ireland) Order 1998 is amended as follows.

Commencement Information
I414 Sch. 9 para. 35 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(iii)**

36. In Article 4(2) (use of computers), after sub-paragraph (k) (inserted by Schedule 2 to this Order) insert—

"or

(l) Part 5 of that Order."

Commencement Information
I415 Sch. 9 para. 36 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

37. In Article 9 (decisions by the Department)—

(a) in paragraph (3), after sub-paragraph (ba) insert—

"(baa) personal independence payment;";

(b) in paragraph (4), after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " or Part 5 of that Order ".

Commencement Information
I416 Sch. 9 para. 37 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(5)(h)(iv)**
I417 Sch. 9 para. 37 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, **art. 3(2)**

38. In Article 12(3) (regulations with respect to decisions), in the definition of "the current legislation", after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " and Part 5 of that Order ".

Commencement Information
I418 Sch. 9 para. 38 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(v)**

39. In Article 27(7) (restrictions on entitlement to benefit in cases of error), in the definition of "benefit"—

(a) after sub-paragraph (de) insert—

"(df) personal independence payment;";

(b) in sub-paragraph (e) for "to (de)" substitute " to (df) ".

Commencement Information
I419 Sch. 9 para. 39 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, **art. 2(5)(h)(vi)**
I420 Sch. 9 para. 39 in operation at 20.6.2016 in so far as not already in operation by S.R. 2016/215, **art. 3(2)**

40. In Article 28(3) (correction of errors in decisions etc.), after sub-paragraph (h) (inserted by Schedule 2 to this Order) insert—

"or

(i) Part 5 of that Order."

Commencement Information
I421 Sch. 9 para. 40 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(vii)**

41. In Schedule 3 (decisions against which an appeal lies), in paragraph 3—

(a) in paragraph (f), the final "or" is repealed;

(b) after paragraph (g) insert—

"(h) regulations made under Article 90(1) or 91(1) of the Welfare Reform (Northern Ireland) Order 2015;

(i) Article 92 of that Order."

Commencement Information
I422 Sch. 9 para. 41 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

The Immigration and Asylum Act 1999 (c. 33)

42. In section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits), in subsection (2), after "Welfare Reform (Northern Ireland) Order 2015" (inserted by Schedule 2 to this Order) insert " , to personal independence payment under Part 5 of that Order ".

Commencement Information
I423 Sch. 9 para. 42 in operation at 20.6.2016 by S.R. 2016/215, **art. 3(2)**

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

43. The Social Security Fraud Act (Northern Ireland) 2001 is amended as follows.

Commencement Information
I424 Sch. 9 para. 43 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(vii)**

44. In section 5A (definitions) in the definition of "disqualifying benefit", after paragraph (c) insert—

"(ca) any benefit under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 or Part 4 of the Welfare Reform Act 2012 (personal independence payment);".

Commencement Information
I425 Sch. 9 para. 44 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(vii)**

45. In section 9 (power to supplement and mitigate loss of benefit provisions), in subsection (3), after paragraph (bd) (inserted by Schedule 2 to this Order) insert—

"(be) any benefit under Part 5 of the Welfare Reform (Northern Ireland) Order 2015 or Part 4 of the Welfare Reform Act 2012 (personal independence payment);".

Commencement Information
I426 Sch. 9 para. 45 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(h)(vii)**

SCHEDULE 10

Article 98

Personal independence payment: transitional

General

1.—(1) Regulations under Article 98 may in particular make provision for the purposes of, or in connection with, replacing disability living allowance with personal independence payment.

(2) In this Schedule "the appointed day" means the day appointed for the coming into operation of Article 82.

Commencement Information
I427 Sch. 10 para. 1 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(i)**

Claims before the appointed day

2.—(1) The provision referred to in paragraph 1(1) includes—

(a) provision for a claim for personal independence payment to be made before the appointed day for a period beginning on or after that day;

(b) provision for a claim for personal independence payment made before the appointed day to be treated to any extent as a claim for disability living allowance;

(c) provision for a claim for disability living allowance made before the appointed day to be treated to any extent as a claim for personal independence payment.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for personal independence payment is made (or treated as made) before the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and the amount of, such an award).

Commencement Information
I428 Sch. 10 para. 2 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(i)**

Claims on or after the appointed day

3.—(1) The provision referred to in paragraph 1(1) includes—

(a) provision permanently or temporarily excluding the making of a claim for personal independence payment on or after the appointed day by—

(i) a person to whom disability living allowance is awarded, or

(ii) a person who would be entitled to an award of disability living allowance on making a claim for it;

(b) provision temporarily excluding the making of a claim for personal independence payment on or after the appointed day by any other person;

(c) provision excluding entitlement to personal independence payment temporarily or for a particular period;

(d) provision for a claim for personal independence payment made on or after the appointed day to be treated to any extent as a claim for disability living allowance;

(e) provision for a claim for disability living allowance made on or after the appointed day to be treated to any extent as a claim for personal independence payment.

(2) The provision referred to in paragraph 1(1) includes provision, where a claim for personal independence payment is made (or treated as made) on or after the appointed day, for an award on the claim to be made in respect of a period before the appointed day (including provision as to the conditions of entitlement for, and the amount of, such an award).

Commencement Information

I429 Sch. 10 para. 3 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(i)**

Awards of existing allowance

4.—(1) The provision referred to in paragraph 1(1) includes—

(a) provision for terminating an award of disability living allowance;

(b) provision for making an award of personal independence payment, with or without application, to a person whose award of disability living allowance is terminated.

(2) The provision referred to in sub-paragraph (1)(b) includes—

(a) provision imposing requirements as to the procedure to be followed, information to be supplied or assessments to be undergone in relation to an award by virtue of that sub-paragraph or an application for such an award;

(b) provision as to the consequences of failure to comply with any such requirement;

(c) provision as to the terms on which, and conditions subject to which, such an award is made, including—

(i) provision temporarily or permanently disapplying, or otherwise modifying, conditions of entitlement to personal independence payment in relation to the award;

(ii) provision temporarily or permanently disapplying, or otherwise modifying, any requirement under this Part for a person to be assessed in respect of any of the questions mentioned in Article 85(1) or (2);

(d) provision as to the amount of such an award.

Commencement Information

I430 Sch. 10 para. 4 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(i)**

Supplementary

5. Regulations under Article 98—

(a) may secure the result that any gap in entitlement to disability living allowance is to be disregarded for the purposes of provision under the regulations;

(b) may make provision about cases in which provision made by regulations under Article 85(2) (required period condition) is to apply with modifications;

(c) may, for the purposes of provision made by virtue of sub-paragraph (b), provide for a period of entitlement to disability living allowance to be taken into account in determining whether a person meets "the required period condition" for the purposes of Article 83(1) or (2) or 84(1) or (2).

Commencement Information
I431 Sch. 10 para. 5 in operation at 2.5.2016 by S.R. 2016/215, **art. 2(5)(i)**

SCHEDULE 11 Article 107(6)

Power to require consideration of revision before appeal

The Child Support (Northern Ireland) Order 1991 (NI 23)

1. The Child Support (Northern Ireland) Order 1991 is amended as follows.

Commencement Information
I432 Sch. 11 para. 1 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

2. In Article 22 (appeals to appeal tribunals), as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (and subsequently amended), after paragraph (2) insert—

"(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision mentioned in paragraph (1)(a) or (b) only if the Department has considered whether to revise the decision under Article 18.

(2B) The regulations may in particular provide that that condition is met only where—

(a) the consideration by the Department was on an application,

(b) the Department considered issues of a specified description, or

(c) the consideration by the Department satisfied any other condition specified in the regulations.

(2C) Regulations may make provision that, where in accordance with regulations under paragraph (2A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 18."

Commencement Information
I433 Sch. 11 para. 2 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

3. In Article 22 (appeals to appeal tribunals), as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, after paragraph (3) insert—

"(3A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal against a decision only if the Department has considered whether to revise the decision under Article 18.

(3B) The regulations may in particular provide that that condition is met only where—

(a) the consideration by the Department was on an application,

(b) the Department considered issues of a specified description, or

(c) the consideration by the Department satisfied any other condition specified in the regulations.

(3C) Regulations may make provision that, where in accordance with regulations under paragraph (3A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under Article 18."

Commencement Information
I434 Sch. 11 para. 3 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

4. In Article 47A (pilot schemes) (as inserted by section 32 of the Child Maintenance Act (Northern Ireland) 2008) at the end insert—

"(6) This Article does not apply to regulations under—

(a) paragraph (2A) of Article 22 as substituted by section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;

(b) paragraph (3A) of Article 22 as it has effect apart from section 10 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000."

Commencement Information
I435 Sch. 11 para. 4 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

5. In Article 48 (regulations and orders), in paragraph (2)(a), after "Article 14(5)(b)),” insert " 22(2A), 22(3A) ".

Commencement Information
I436 Sch. 11 para. 5 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)

6. The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information
I437 Sch. 11 para. 6 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

7.—(1) Article 13 (appeals against certificates) is amended as follows.

(2) After paragraph (2) insert—

"(2A) Regulations may provide that, in such cases or circumstances as may be prescribed, an appeal may be made under this Article only if the Department has reviewed the certificate under Article 12.

(2B) The regulations may in particular provide that that condition is met only where—

(a) the review by the Department was on an application,

(b) the Department considered issues of a specified description, or

(c) the review by the Department satisfied any other condition specified in the regulations."

(3) In paragraph (5)(c) after "any such appeal" insert " (or, where in accordance with regulations under paragraph (2A) there is no right of appeal, any purported appeal) ".

Commencement Information
I438 Sch. 11 para. 7 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

8.—(1) Article 28 (regulations and orders) is amended as follows.

(2) In paragraph (1) after "regulations made under Article" insert " 13(2A) or ".

(3) After that paragraph insert—

"(1A) Regulations under Article 13(2A) must be laid before the Assembly after being made and take effect on such date as may be specified in the regulations, but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations are approved by a resolution of the Assembly."

Commencement Information
I439 Sch. 11 para. 8 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

PROSPECTIVE

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

9. The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 is amended as follows.

PROSPECTIVE

10.—(1) Paragraph 6 of Schedule 7 (housing benefit: appeal to appeal tribunal) is amended as follows.

(2) In sub-paragraph (4), after paragraph (b) insert—

"or where regulations under sub-paragraph (5A) so provide."

(3) After sub-paragraph (5) insert—

"(5A) Regulations may provide that, in such cases or circumstances as may be prescribed, there is a right of appeal in relation to a decision only if the relevant authority which made the decision has considered whether to revise the decision under paragraph 3.

(5B) The regulations may in particular provide that that condition is met only where—

(a) the consideration by the relevant authority was on an application,

(b) the relevant authority considered issues of a specified description, or

(c) the consideration by the relevant authority satisfied any other condition specified in the regulations.

(5C) Regulations may provide that, where in accordance with regulations under sub-paragraph (5A) there is no right of appeal against a decision, any purported appeal may be treated as an application for revision under paragraph 3."

PROSPECTIVE

11. In paragraph 20(4) of Schedule 7 (regulations subject to confirmatory procedure) for "or (4)" substitute " , (4) or (5A) ".

The Mesothelioma, etc., Act (Northern Ireland) 2008 (c. 9)

12. The Mesothelioma, etc., Act (Northern Ireland) 2008 is amended as follows.

Commencement Information
I440 Sch. 11 para. 12 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

13. In section 4(2) (regulations regarding reconsideration) after "and" insert " may prescribe ".

Commencement Information
I441 Sch. 11 para. 13 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

14.—(1) Section 5 (appeals to appeal tribunal) is amended as follows.

(2) After subsection (1) insert—

"(1A) Regulations may provide that, in such cases or circumstances as may be prescribed, a person may appeal against a determination made on a claim only if the Department has decided whether to reconsider the determination under section 4.

(1B) The regulations may in particular provide that that condition is met only where—

(a) the decision of the Department was on an application,

(b) the Department considered issues of a specified description, or

(c) the decision of the Department satisfied any other condition specified in the regulations."

(3) In subsection (4)(c) after "an appeal under subsection (1)(a)" insert " (or, where in accordance with regulations under subsection (1A) there is no right of appeal, any purported appeal) ".

Commencement Information

I442 Sch. 11 para. 14 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

15. In section 10(2) (Assembly control) after "section 1" insert " or 5(1A) ".

Commencement Information

I443 Sch. 11 para. 15 in operation at 17.3.2016 by S.R. 2016/166, **art. 2(b)**

SCHEDULE 12 Article 140

Repeals

PART 1

Abolition of benefits superseded by universal credit

Commencement Information

I444 Sch. 12 Pt. 1 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, art. 6, **Sch. 2** (with arts. 7, 8, 10-25, Sch. 3)

I445 Sch. 12 Pt. 1 in operation at 15.11.2017 and 13.12.2017 for specified purposes by S.R. 2017/216, **art. 4** (with art. 5) (as amended (15.1.2018) by S.R. 2018/1, **art. 7**)

I446 Sch. 12 Pt. 1 in operation at 17.1.2018 and further specified dates for specified purposes by S.R. 2018/1, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 8**)

I447 Sch. 12 Pt. 1 in operation at 16.5.2018 and further specified dates for specified purposes by S.R. 2018/97, **art. 4** (with art. 5) (as amended (19.7.2018) by S.R. 2018/138, **art. 9**)

Short Title	*Extent of Repeal*
The Dogs (Northern Ireland) Order 1983 (NI 8)	Article 7(10)(c) to (g).
The Education Reform (Northern Ireland) Order 1989 (NI 20)	In Article 131(3)(b), the words from "income support," to "Part 1 of the Welfare Reform Act (Northern Ireland) 2007) or".
The Child Support (Northern Ireland) Order 1991 (NI 23)	In Article 2(2), the definitions of— (a) "income support"; (b) "income-based jobseeker's allowance"; (c) "income-related employment and support allowance". In paragraph 5(4) of Schedule 1, as it has effect apart from section 1 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000, the words from "income support" to "support allowance".
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	In section 22— (a) in subsections (2)(a) and (5), "contribution-based"; (b) subsection (8).

	In section 44A(7), "contributory".
	In section 121(1), the definition of "contribution-based jobseeker's allowance".
	Sections 122 to 133.
	Section 146(3).
	Section 171(6) and (6A).
	In Schedule 3, in paragraph 5(6B), "or 4(2)(b)".
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 1(4)(b).
	Sections 2A to 2H.
	In section 5— (a) subsection (2)(b) and (e); (b) in subsection (5), "or housing benefit".
	Section 5A(1) to (5).
	In section 5B(2)(b), from "or was verified" to the end.
	In section 13A— (a) in subsection (1)(a), the words from "income support" to "employment and support allowance"; (b) in subsection (1)(b), the words from "or the applicable amount" to "employment and support allowance"; (c) in subsection (1), in the words after paragraph (b), the words from "or the applicable amount" to "employment and support allowance"; (d) in subsection (4), in the definition of "qualifying associate", "income support, an income-based jobseeker's allowance,", "or an income-related employment and support allowance,", "Part VII of the Contributions and Benefits Act", "the Jobseekers (Northern Ireland) Order 1995," and "or Part 1 of the Welfare Reform Act (Northern Ireland) 2007"; (e) in subsection (4), in the definition of "relevant benefits", paragraph (b).
	Section 69(11)(b).
	Section 69ZH(1)(c) and (d) (as inserted by Article 109 of this Order).
	Section 69A.
	In section 71(1) and (4)(b), "contribution-based".
	In section 72— (a) in subsection (1)(b), "income support, an income-based jobseeker's allowance," and "or an income-related employment and support allowance"; (b) in subsection (2)(b), "income support, an income-based jobseeker's allowance," and "or an income-related employment and support allowance"; (c) subsection (3);

(d) in subsection (4) "or (3)" and paragraph (b) and the preceding "and".

Section 73 (and the preceding cross-heading).

In section 74(6)(d), "income support or an income-based jobseeker's allowance".

In the heading to Part 5, "Income support and".

In section 100—
(a) in subsection (1)(b), the words from "income support" to "support allowance";
(b) in subsection (3) the words "Subject to subsection (4) below,";
(c) subsection (3)(b) and the preceding "or";
(d) subsection (4).

In section 101(1), (4), (5), (6)(a) and (b), "income support or".

In section 103(1)(a), "income support or".

In section 103A—
(a) subsection (3)(b) and (c);
(b) subsections (6) and (7).

Sections 104A and 104AA.

In section 105—
(a) in subsection (1)(ab), "or 104AA";
(b) in subsection (3), "or 104A".

In section 109A—
(a) in subsection (1), "or the Housing Executive", "69A or 73" and "or the Executive";
(b) in subsection (1A) (as inserted by Article 115 of this Order), "or the Housing Executive" in both places and "69A or 73";
(c) in subsection (2), "or the Housing Executive" and "or the Executive";
(d) in subsection (5), "or the Housing Executive" and "or the Executive";
(e) subsections (7A) and (7B).

In section 109B—
(a) in subsection (1), "or the Housing Executive";
(b) in subsection (3), "or the Housing Executive";
(c) in subsection (3)(c), "or the Housing Executive";
(d) in subsection (4)(a) (as substituted by Article 109 of this Order), " or the Housing Executive ";
(e) in subsection (4A) (as so substituted), the words from " (and, where " to the end;
(f) in subsection (6), "or the Housing Executive" in both places.

In section 110—
(a) in subsection (1), the words ", the Department of the Environment or the Housing Executive";
(b) in subsection (2)(a), "(other than proceedings to which paragraph (b) applies)" (as substituted by Article 113 of this Order);

(c) subsection (2)(b) and the preceding "and";
(d) in subsection (3)(a), "or of the Department of the Environment" and "or (b)";
(e) subsection (3)(b) and the preceding "and".

Section 110ZA.

Section 110A.

Section 115CA(6).

Section 116B(3)(c) and the preceding "or".

Sections 116C and 116D.

In section 119(1)—
(a) "income support, an income-based jobseeker's allowance";
(b) "an income-related employment and support allowance".

Sections 126 to 128H.

Section 139.

In section 139B—
(a) in subsection (1)(b)(iii), "contribution-based";
(b) in subsection (6), in the definitions of "alteration" and "component", "contribution-based".

In section 139D (as inserted by Schedule 2 to this Order)—
(a) in subsection (1)(b)(iv), "contribution-based";
(b) in subsection (6), in the definitions of "alteration" and "component", "contribution-based".

Sections 140 and 140A.

In section 140B(5), "or 4(2)(a)".

In section 149(5), in the definition of "the relevant enactments", paragraph (aj).

Section 155(5)(a) and (d).

Section 155A(5).

Section 158A(3)(b) and (d) and "or" immediately preceding paragraph (d).

In section 158B—
(a) subsection (2);
(b) in subsections (3) to (6), "or (2)" in every place.

Section 163(1)(b).

In section 165, subsections (7), (7A) and (8).

Section 166(2)(aa) and (aaa).

In section 167(1) in the definition of "the Department"—
(a) in paragraph (a), "to 116D"; and
(b) in paragraph (b), "2E, 2F, 2G (except in the second reference in subsection (11)(c))" and ", 116C and 116D".

In section 167(1) the definitions of—
(a) "contribution-based jobseeker's allowance";

	(b) "contributory employment and support allowance"; (c) "income-based jobseeker's allowance"; (d) "income-related benefit"; (e) "income-related employment and support allowance". In Schedule 7, paragraph 3(3).
The Social Security (Amendment) (Northern Ireland) Order 1993 (NI 8)	Article 3(2) and (3).
The Children (Northern Ireland) Order 1995 (NI 2)	In Article 2(2)— (a) the definition of "income-based jobseeker's allowance"; (b) the definition of "income-related employment and support allowance". In Article 18— (a) in paragraph (9), the words from "of income support" to the end; (b) paragraph (10). In Article 18C(7)(b), the words from "of income support" to the end. In Article 24(3), the words from "of income support" to the end. In Article 39(4), the words from "income support" to the end. In Article 183— (a) in paragraph (1), "to (4)"; (b) paragraph (4).
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	In Article 2(2)— (a) in the definition of "claimant", the words from "except" to the end; (b) the definitions of "contribution-based jobseeker's allowance", "income-based conditions", "income-based jobseeker's allowance", "income-related employment and support allowance", "joint-claim couple" and "joint-claim jobseeker's allowance" and "the nominated member". Article 3(2A) to (2D) and (4). In Article 4— (a) paragraph (1)(d) and the preceding "and"; (b) in paragraph (3C), in the definition of "benefit", in sub-paragraph (d), "contribution-based"; (c) in paragraph (3C), in the definition of "benefit", sub-paragraph (e) and the preceding "and". Articles 5 to 5B. In Article 6— (a) in paragraph (1), "contribution-based"; (b) paragraphs (3), (3A) and (6) to (11A). Article 6A. In Article 7—

	(a) in the heading and in paragraph (1), "contribution-based"; (b) in paragraph (2), "contribution-based", in the first two places; (c) in paragraph (3), "contribution-based".
	Article 15.
	Articles 17 to 19.
	In Article 19A(10), the definition of "claimant".
	Article 20.
	Article 25.
	Articles 27 and 28.
	Article 30.
	Article 31(6)(c) and (d) and (7).
	Article 32.
	Article 37(1)(b).
	In Article 38— (a) in paragraphs (1) and (2), "contribution-based"; (b) paragraph (4).
	Article 39.
	In Schedule 1— (a) in paragraph 6(1), "contribution-based"; (b) paragraphs 8 and 8A; (c) paragraphs 9 to 10; (d) in paragraph 11(1), "contribution-based"; (e) in paragraph 16(1) and (2)(d), "contribution-based"; (f) paragraph 18(b) and (c).
	In Schedule 2 paragraphs 12 to 18, 36(4), 51(3) and (4).
The Social Security Administration (Fraud) (Northern Ireland) Order 1997 (NI 11)	Article 3.
	Article 4(1).
	Article 5 (and the preceding cross-heading).
	Articles 6 to 9.
	Article 15.
	In Schedule 1, paragraph 2.
The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)	In Schedule 2, in the second column of the table, the reference to income support.
The Social Security (Northern Ireland) Order 1998 (NI 10)	Article 9(3)(c).
	In Article 9(4), the words from ", other than" to the end.
	In Article 15(12), "or under paragraph 8 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000".

	Article 34 (and the preceding cross-heading).
	In Article 39(1) the definition of "claimant" as inserted by the Welfare Reform and Pensions (Northern Ireland) Order 1999.
	Article 73(8)(d).
	Article 74(7).
	In Article 76(1A)(a), the words ", income support".
	In Schedule 2— (a) paragraph 1 (and the preceding heading); (b) paragraph 5A (and the preceding heading); (c) paragraph 6(b)(i); (d) paragraph 7 (and the preceding heading).
	In Schedule 3— (a) in paragraph 3(f), ", 7"; (b) in paragraph 5, "or 69A".
	In Schedule 6, paragraphs 73, 75, 76, 108, 109 and 114.
The Immigration and Asylum Act 1999 (c. 33)	In section 115— (a) in subsection (2) the words from ", to income-related allowance" to "support allowance)"; (b) subsection (2)(a).
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	Articles 54 and 55.
	Article 69(3)(a).
	In Schedule 7, paragraphs 2, 3(3) and (4), 5 to 7, 10 to 12, 15 and 16.
	In Schedule 8, paragraph 27(2), (4), (5) and (7).
	In Schedule 9, paragraphs 55, 56, 58, 59 and 61.
The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)	Section 59.
	In section 60(1)(a), "housing benefit or".
	Sections 61 and 62.
	In section 69(2) the definition of "the Housing Executive".
	In Schedule 6, paragraph 3.
	Schedule 7.
The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)	Section 1(5).
	Section 2(2).
	In section 4(2)(a)(ii), "or 104AA".
	Section 4(4).
	Section 5.
	In section 5A, in the definition of "sanctionable benefit", in paragraph (a) "other than joint claim jobseeker's allowance".
	In section 5B—

	(a) in subsection (2)(b)(i), "or the Northern Ireland Housing Executive"; (b) in subsection (2)(b)(ii), "or an authority which administers housing benefit or council tax benefit"; (c) subsections (6), (7), (9) and (10).
	In section 6— (a) subsections (3), (4), (4B) and (5); (b) in subsection (10), "7 or" in both places; (c) in subsection (10)(a), ", 8".
	Section 7.
	In section 8— (a) subsection (1)(a), (b), (bc) and (c); and (b) subsections (3), (4), (4B) and (5).
	In section 9(2), ", 7".
	In section 10(3)— (a) paragraph (b); (b) paragraph (d).
	In section 12, the definitions of— (a) "income-based jobseeker's allowance", "joint-claim jobseeker's allowance" and "joint-claim couple"; (b) "income-related allowance".
	Section 13.
The Social Security Act (Northern Ireland) 2002 (c. 10)	Section 5.
	Section 6(2) and (3).
	In Schedule 1, paragraphs 6, 7, 8(a), 9 and 10.
The State Pension Credit Act (Northern Ireland) 2002 (c. 14)	Section 15(1)(b).
	In section 17(1), the definition of "working tax credit".
	In Schedule 2, paragraphs 2 to 4 and 24 to 26.
The Housing Support Services (Northern Ireland) Order 2002 (NI 8)	Article 8.
The Audit and Accountability (Northern Ireland) Order 2003 (NI 5)	In Schedule 2, paragraphs 4 and 5.
The Income Tax (Earnings and Pensions) Act 2003 (c. 1)	In Schedule 6, paragraphs 200 and 233 to 235.
The Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraphs 96 to 99, 102(3), 107 and 131 to 137.
The Pensions (Northern Ireland) Order 2005 (NI 1)	Article 213.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In section 1— (a) in subsection (2), in the opening words, "either"; (b) in subsection (2)(a), "Part 1 of" and "that Part of";

	(c) subsection (2)(b) and the preceding "or"; (d) subsection (3)(e); (e) in subsection (3)(f), the words from "(and" to "allowance)"; (f) in subsection (3A), "Part 1 of"; (g) in subsection (6), the definition of "joint-claim jobseeker's allowance"; (h) subsections (6A) and (7).
	In section 1A (as inserted by Article 57 of this Order)— (a) in the heading, "contributory"; (b) in subsections (1) (in both places), (3)(a) and (4), "Part 1 of".
	Section 1B(2) (as inserted by Article 58 of this Order).
	In section 2, in the heading, "contributory".
	In section 3, in the heading, "contributory".
	Sections 4 to 6.
	Section 23.
	In section 24(1), the definitions of "contributory allowance", "income-related allowance" and "income support".
	In section 26(3)(a), "or 4(4)(c) or (5)(c)".
	Section 27(3).
	Sections 29 to 36.
	Section 38(2).
	Sections 42 to 44.
	In section 57(1) the definition of "the Housing Executive".
	In Schedule 1— (a) the heading to Part 1; (b) paragraph 1(5)(e) and the preceding "and"; (c) Part 2.
	In Schedule 2— (a) in the headings to paragraphs 6 and 7, "Contributory allowance:"; (b) paragraph 8; (c) paragraph 11(b) and (c); (d) paragraph 12.
	In Schedule 3, paragraphs 1, 2(2) and (8), 3(9) and (10), 4(3), (8)(b), (10)(b), (14), (16) and (28)(b) and (c) and 12(4) and (5).
	Schedule 4.
	In Schedule 5, paragraphs 2, 3, 4 and 6.
The Pensions Act (Northern Ireland) 2008 (c. 1)	In Schedule 1, paragraph 23.
The Child Maintenance Act (Northern Ireland) 2008 (c. 10)	Section 35(2).

The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 2. Section 3(1) and (2). Sections 4 and 5. Section 8(2)(a). Section 9. Section 28(1) and (2). Section 29. Section 30(3). Schedule 2. In Schedule 3, paragraph 2. Part 1 of Schedule 4. In Part 3 of Schedule 4, the entries relating to— (a) section 2B of the Social Security Administration (Northern Ireland) Act 1992; (b) paragraph 5A of Schedule 2 to the Social Security (Northern Ireland) Order 1998; (c) Article 69(3)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999; (d) the Civil Partnership Act 2004.
The Welfare Reform (Northern Ireland) Order 2015	Article 56(1). Article 58(2). Article 64(1). Article 65. Article 75. Article 107(9)(e). Article 109(5). Article 110(3). Article 113. Article 114. Article 120(6)(c) to (e) and (7)(b). In Article 121— (a) in paragraph (3), “, housing benefit” in all three places; (b) paragraph (7)(l) and (m). In Schedule 7, paragraphs 4 and 10(2). In Schedule 9, paragraphs 13, 15, 19 and 20. In Schedule 11, paragraphs 9 to 11.

PART 2

Entitlement to jobseeker's allowance without seeking employment

Commencement Information
I448 Sch. 12 Pt. 2 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(6)(b)**

Short Title	*Extent of Repeal*
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 4(2)(a), (3) and (4). Section 8(2)(b). In section 26(2), in the inserted Article 22E of the Jobseekers (Northern Ireland) Order 1995— (a) paragraph (1); (b) in paragraph (2)(c), "or 20A"; (c) paragraph (2)(d); (d) in paragraph (3)(a), "13A, 13C," and "or 20B"; (e) in paragraph (4)(a), "13A". In section 26— (a) in subsection (3)(d), the words from "(as" to "Schedule 1)"; (b) in subsection (3)(e), the words from "(as" to "Schedule)"; (c) subsection (5). Schedule 1. In Part 3 of Schedule 4, the entries relating to— (a) Articles 17A and 19A(10) of the Jobseekers (Northern Ireland) Order 1995; (b) paragraphs 3(2), (3) and (4)(b), 4, 5(1), 13 and 14 of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999; (c) paragraph 6(3) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007.

PART 3

Jobseeker's allowance: responsibilities for interim period

Commencement Information
I449 Sch. 12 Pt. 3 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 3(1)**(2)(j)

Short Title	*Extent of repeal*
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	In Article 2(2), the definition of "jobseeker's agreement". Article 10(2)(ca) and (d), (2A) and (3). Article 19A(5)(d) to (f) and (6) to (9). Article 22(4) to (6).

	Articles 22A to 22D.
	In Article 37(1)(c), “22D(6)”.
The Social Security (Northern Ireland) Order 1998 (NI 10)	In Schedule 3, in paragraph 3(d), “or 22A”.
	In Schedule 6, paragraphs 105, 106 and 110.
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	In Schedule 7, paragraphs 9, 13 and 14.
	In Schedule 8, paragraph 27(3)(b) and (5).
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 1(4) and (5).
	Section 20.
	Section 26(3)(d) and (e) and (4).
	Section 27.
	In Part 3 of Schedule 4, the entries relating to Articles 10(3) and 11(13) of the Jobseekers (Northern Ireland) Order 1995.

PART 4

Jobseeker's allowance: responsibilities after introduction of universal credit

Commencement Information

I450 Sch. 12 Pt. 4 in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, **art. 9** (with arts. 10-25)

Short Title	*Extent of repeal*
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 69ZH(1)(b) (as inserted by Article 109 of this Order).
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	In Article 2(2)— (a) in the definition of “employment”, “except in Article 9,”; (b) the definition of “employment officer” (as inserted by Article 50(2) of this Order); (c) the definition of “jobseeker's direction” (as inserted by Schedule 7 to this Order); (d) the definition of “training”.
	Article 19A, so far as not otherwise repealed.
	Article 19B.
	Articles 21 to 21C (as substituted by Article 52(1) of this Order).
	Article 22(1) to (3), (7) and (8).
	Article 22E, so far as not otherwise repealed.
	Article 24(2).

	Article 36(2A) (as inserted by Schedule 7 to this Order) and (4).
	In Article 37(1)— (a) in sub-paragraph (a)(i), “8, 9”; (b) sub-paragraph (ab) (as inserted by Article 52(2) of this Order); (c) in sub-paragraph (c), “8B or”.
	In Schedule 1, paragraph 8B.
The Social Security (Northern Ireland) Order 1998 (NI 10)	In Schedule 3, paragraph 8 (and the preceding heading).
	In Schedule 6, paragraphs 103, 104 and 111.
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 1(1) to (3).
	Section 23.
	Section 26(1) to (3).
The Welfare Reform (Northern Ireland) Order 2015	Article 50(2), (4) and (5).
	Article 51.
	Article 52(1) and (2).
	In Schedule 7, paragraphs 2, 3, 5, 6, 8, 9, 10(1), (3) and (4), 11 and 15.

PART 5

Employment and support allowance: responsibilities after introduction of universal credit

Commencement Information

I451 Sch. 12 Pt. 5 in operation at 27.9.2017 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation by S.R. 2017/190, **art. 9** (with arts. 10-25)

Short Title	*Extent of repeal*
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 1C (as inserted by Article 60 of this Order).
	Section 16A (as inserted by Article 62 of this Order).
	Section 24(3A) and (3B).
	Section 26(3)(b).
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 3(3) to (5).
	Section 8, so far as not otherwise repealed.
	Section 10.
The Welfare Reform (Northern Ireland) Order 2015	Article 60(3) to (5).
	Articles 61 and 62.

Article 64(2).

PART 6

Industrial injuries arising before 5th July 1948

Commencement Information

I452 Sch. 12 Pt. 6 in operation at 31.10.2016 by S.R. 2016/234, **art. 3(3)**

Short Title	*Extent of repeal*
The Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 (NI 9)	In Article 2(2), the definition of "death benefit". In Article 4(3)(b), the words from the beginning to "disease, or".
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	In section 3(2), the words "other than those of Schedule 8". In section 121(1)— (a) in the definition of "industrial injuries benefit", the words ", other than under Schedule 8 to this Act"; and (b) the definition of "Old Cases payments". In section 133(1), the definition of "industrial injuries regulations". In section 133(2)(g) the words "or the industrial injuries regulations". In section 146(2)— (a) in the definition of "attendance allowance", paragraph (d); and (b) in the definition of "unemployability supplement or allowance", paragraph (b)(i). In Schedule 6, paragraph 8(1)(b) and (2)(b). In Schedule 7, in paragraph 20(2), the words from ", and in particular" to the end.
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 144(4) and (5). In section 149(5)(a) the words "and Old Cases payments". Section 161. Section 164(3). In section 167(1)— (a) in the definition of "industrial injuries benefit", the words ", other than under Schedule 8"; and (b) the definition of "Old Cases payments". Schedule 6.

PART 7

Social fund: ending of discretionary payments

Commencement Information

I453 Sch. 12 Pt. 7 in operation at 28.11.2016 for specified purposes by S.R. 2016/411, **art. 2(3)** (with art. 4)

I454 Sch. 12 Pt. 7 in operation at 31.3.2017 for specified purposes by S.R. 2016/411, **art. 3(3)**

Short Title	*Extent of repeal*
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	In section 134— (a) in subsection (1), the "and" preceding paragraph (b); (b) subsections (3) and (5).
	Sections 135 and 136.
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 10.
	Section 69ZA.
	Section 74(1) to (3D) and (5) to (8).
	Section 147.
	In Schedule 4, in Part 1— (a) the heading "The social fund"; (b) under that heading, the entries relating to the social fund Commissioner, a social fund inspector and a member of any staff employed in connection with the social fund.
The Children (Northern Ireland) Order 1995 (NI 2)	In Schedule 9, paragraph 186.
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	Article 33(2).
	In Schedule 2, paragraph 34.
The Social Security (Northern Ireland) Order 1998 (NI 10)	Article 9(1)(b).
	In Article 10(1), "Subject to Article 36(3),".
	In Article 11(1), "and Article 36(3)".
	Articles 36 to 38.
	Article 66(2).
	Article 67.
	Article 71.
	In Schedule 6, paragraphs 53, 54 and 80.
The Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 7, the entry relating to the social fund Commissioner appointed under Article 37 of the Social Security (Northern Ireland) Order 1998.
The Civil Partnership Act 2004 (c. 33)	In Schedule 24, paragraph 113.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 50.

	In Schedule 7, paragraphs 1(3), 2(3) and (4) and 4.
The Welfare Reform (Northern Ireland) Order 2015	Articles 77 and 78. Article 110(2) and (4).

PROSPECTIVE

PART 8

Disability living allowance

Short Title	***Extent of repeals***
The Child Support (Northern Ireland) Order 1991 (NI 23)	In Article 10(8)(a), the words "or a disability living allowance".
The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)	In section 30B(4)— (a) in paragraph (aa) (as inserted by paragraph 3 of Schedule 9 to this Order), the word "or"; (b) paragraph (b). Section 64(1A)(b). In section 146(2), paragraph (b) of the definition of "attendance allowance".
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In Schedule 5, paragraph 1.
The Finance Act 1994 (c. 9)	In Schedule 7A— (a) in paragraph 3(2)(a), the words "a disability living allowance by virtue of entitlement to the mobility component or of"; (b) in paragraph 3(3), the words "disability living allowance or"; (c) paragraph 3(4)(b).
The Value Added Tax Act 1994 (c. 23)	In Part 2 of Schedule 7A, in note 6 to Group 3, sub-paragraph (2)(b). In Part 2 of Schedule 8, in Group 12— (a) in item 14, the words "disability living allowance by virtue of entitlement to the mobility component or of"; (b) in note (6), in paragraph (b), the words "mobility component of the disability living allowance or"; (c) in note (7), paragraph (a).
The Road Traffic (Northern Ireland) Order 1995 (NI 18)	Article 25(2)(a)(ii).
The Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12)	In Schedule 2, in the second column of the table— (a) the entry for the care component of disability living allowance;

	(b) the entry for the mobility component of disability living allowance.
The Social Security (Northern Ireland) Order 1998 (NI 10)	In Schedule 3, paragraph 3(b).
The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	Article 64.
The Immigration and Asylum Act 1999 (c. 33)	In section 115(2)(b), the words "disability living allowance or".
The Capital Allowances Act 2001 (c. 2)	Section 268D(2)(a).
The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)	In section 5A, paragraph (d)(iii) of the definition of "sanctionable benefit".
The Income Tax (Earnings and Pensions) Act 2003 (c. 1)	In section 677(1), in Part 1 of Table B, the entry relating to disability living allowance.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Sections 48, 49 and 54(2). In Schedule 3— (a) paragraph 4(28)(a); (b) paragraph 10(5)(b). In Schedule 7, paragraph 1(2).
The Pensions Act (Northern Ireland) 2008 (c. 1)	In Schedule 1, paragraph 39.
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	Section 13.

PROSPECTIVE

PART 9

Powers to require information relating to claims and awards

Short Title	*Extent of repeal*
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	Section 119A and the preceding cross-heading.
The Social Security Administration (Fraud) (Northern Ireland) Order 1997 (NI 11)	Article 10.
The Social Security (Northern Ireland) Order 1998 (NI 10)	Article 22(4). Article 70.

The Welfare Reform and Pensions (Northern Ireland) Order 1999 (NI 11)	In Schedule 8, paragraph 32(2)(c).
The State Pension Credit Act (Northern Ireland) 2002 (c. 14)	In Schedule 1, paragraphs 3(b) and 8.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 44(3).

PART 10

Recovery of benefit payments

Commencement Information

I455 Sch. 12 Pt. 10 in operation at 27.9.2017 for specified purposes by S.R. 2017/190, **art. 3(1)**(2)(k) (with art. 3(3))

Short Title	*Extent of repeal*
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In section 69— (a) subsection (7); (b) in subsection (8)(b), "or (7)"; (c) subsection (10A); (d) subsection (11)(aa) and (ac).
The Jobseekers (Northern Ireland) Order 1995 (NI 15)	Article 33(1).
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In Schedule 3, paragraph 4(6).

PROSPECTIVE

PART 11

Loss of benefit

Short Title	*Extent of repeal*
The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)	In section 5B— (a) in subsection (11A)(c) (as inserted by Article 117(4) of this Order), "or (c)"; (b) in subsection (13), in the definition of "disqualifying event", the words from "or the caution" to the end. In section 5C, subsection (4)(a)(ii) and the preceding "or". In sections 7(8)(a) and 8(8)(a), "or M being cautioned in relation to the offence to which the old agreement relates".

	In section 10(3), the word "or" immediately preceding paragraph (d). In section 12, the definition of "cautioned".
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	Section 45.
The Welfare Reform Act (Northern Ireland) 2010 (c. 13)	In Schedule 3, paragraphs 1(4) and 6(3).

PART 12

Information-sharing

Commencement Information

I456 Sch. 12 Pt. 12 in operation at 17.2.2016 by S.R. 2016/46, **art. 3(6)(c)**

Short Title	*Extent of repeal*
The Social Security Administration (Northern Ireland) Act 1992 (c. 8)	In section 115D— (a) in subsection (2), the words "subject to subsection (2A),", "social security," and "or employment or training"; (b) subsection (2ZA); (c) subsection (2A). In section 115E— (a) in subsection (1), the words "social security," and "or employment or training"; (b) subsection (1A); (c) in subsection (2), "(subject to subsection (2A))"; (d) subsection (2A). Sections 116 and 116ZA.
The Welfare Reform and Pensions Act 1999 (c. 30)	In Schedule 11, paragraph 17.
The Tax Credits Act 2002 (c. 21)	In Schedule 5, paragraph 12.
The Employment Act 2002 (c. 22)	In Schedule 6, paragraphs 7, 8, 12(a) and (b) and 14(b) and (c).
The Commissioners for Revenue and Customs Act 2005 (c. 11)	In Schedule 4, paragraph 49.
The Welfare Reform Act (Northern Ireland) 2007 (c. 2)	In Schedule 3, paragraph 4(12).
The Child Maintenance Act (Northern Ireland) 2008 (c. 10)	In Schedule 4, paragraph 2(4) and (6).

EXPLANATORY NOTE

(This note is not part of the Order)
This Order makes provision in connection with—

— social security and child support maintenance in Northern Ireland;

— arrangements under section 1 of the Employments and Training Act (Northern Ireland) 1950 (c. 29).

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(This note is not part of the Order)
This Order makes provision in connection with—

— social security and child support maintenance in Northern Ireland;

— arrangements under section 1 of the Employments and Training Act (Northern Ireland) 1950 (c. 29).

Status:
Point in time view as at 16/05/2018. This version of this Order contains provisions that are not valid for this point in time.

Changes to legislation:
The Welfare Reform (Northern Ireland) Order 2015 is up to date with all changes known to be in force on or before 21 June 2024. 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.