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## SCHEDULES

### 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.”

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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 [<sup>F1</sup>section 132, 132A, 132B] or 133 corresponding to an order made under [<sup>F2</sup>section 150, 150A, 151A] or 152 (as the case may be) of the Great Britain Administration Act may apply;”.

#### Annotations:

##### Amendments (Textual)

- F1** 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\(a\)](#)
- F2** 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”.

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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

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- (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.

#### Annotations:

#### Commencement Information

- I1** 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)
- I2** 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)
- I3** 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)

18. In section 1 (employment and support allowance), in subsection (3)(d), at the end insert “and”.

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**Annotations:**

**Commencement Information**

- I4** 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)
- I5** 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)
- I6** 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)

**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 ”.

**Annotations:**

**Commencement Information**

- I7** Sch. 3 para. 19 in operation at 2.5.2016 for specified purposes by S.R. 2016/215, art. 2(2)(c)(vi)
- I8** 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)
- I9** 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)
- I10** 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)

**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 ”.

**Annotations:**

**Commencement Information**

- I11** 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)
- I12** 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)
- I13** 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)

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);

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(g) in Schedule 2, paragraphs 6 and 7(2)(d).

**Annotations:**

**Commencement Information**

- I14** 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)**
- I15** 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)
- I16** 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)
- I17** 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)

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**Changes and effects yet to be applied to :**

- Sch. 3 para. 17 coming into force by [S.R. 2018/97 art. 4](#)
- Sch. 3 para. 18 coming into force by [S.R. 2018/97 art. 4](#)
- Sch. 3 para. 19 coming into force by [S.R. 2018/97 art. 4](#)
- Sch. 3 para. 20 coming into force by [S.R. 2018/97 art. 4](#)
- Sch. 3 para. 21 coming into force by [S.R. 2018/97 art. 4](#)
- specified provision(s) amendment to earlier commencing SR 2016/46, art. 5(a) by [S.R. 2016/166 art. 3](#)

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

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

- art. 50(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 4](#)
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

**Commencement Orders yet to be applied to the The Welfare Reform (Northern Ireland) Order 2015**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2018/66 art. 2\(1\)](#) commences ([S.I. 2016/999 \(N.I.\)](#))