
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 357

**The Social Security (Miscellaneous Amendments
No. 2) Regulations (Northern Ireland) 2011**

PART 3

AMENDMENTS TO SECONDARY LEGISLATION

Amendment of the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations

25.—(1) The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010⁽¹⁾ are amended in accordance with paragraphs (2) to (5).

(2) In regulation 6(1)(b) (application of certain statutory provisions for purpose of making conversion decisions) after “revision” insert “or supersession”.

(3) In regulation 17⁽²⁾ (changes of circumstances before the effective date) in paragraphs (d) and (e) after “revise” insert “or supersede”.

(4) In Schedule 2 (modification of statutory provisions: after the conversion phase)—

(a) in paragraph 4(i)⁽³⁾, which modifies regulation 147A of the Employment and Support Allowance Regulations (claimants appealing a decision)—

(i) in paragraph (5) of the modified regulation 147A—

(aa) in sub-paragraph (c), for “or struck out,” substitute “, struck out or has been discontinued in accordance with the provisions of regulation 33(9) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (making of appeals and application)⁽⁴⁾,”; and

(bb) after the words “is to be treated as not having limited capability for work”, for the remainder of paragraph (5) substitute “with effect from the day specified in paragraph (5A).”.

(ii) after paragraph (5) of the modified regulation 147A insert—

“(5A) The day specified for the purposes of paragraph (5) is the first day of the benefit week following the date on which the Department either—

(a) receives the notification from the clerk to the appeal tribunal that the appeal is dismissed, withdrawn or struck out, or

(b) discontinues action on an appeal in the circumstances to which regulation 33(9) of the Social Security and Child Support (Decisions and

(1) [S.R. 2010 No. 312](#); relevant amending Regulation is [S.R. 2010 No. 347](#)

(2) Regulation 17 was amended by regulation 2(8) of [S.R. 2010 No. 347](#)

(3) Paragraph 4(i) was amended by regulation 2(14)(c) of [S.R. 2010 No. 347](#)

(4) [S.R. 1999 No. 162](#); Regulation 33(9) was added by regulation 6(10) of [S.R. 2000 No. 215](#) and amended by regulation 2(10)(b) of [S.R. 2002 No. 189](#)

Appeals) Regulations 1999 (making of appeals and application) applies.”,
and

(iii) in paragraph (6) of the modified regulation 147A, for “on the first day of the benefit week following the date on which the Department was notified by the appeal tribunal of that decision” substitute “from the first day of the benefit week following the date on which the Department receives the appeal tribunal’s notification of that decision”;
and

(b) after paragraph 6 (modification of the Additional Pension and Social Security Pensions (Home Responsibilities) (Amendment) Regulations) add—

“Social Security (Habitual Residence) Amendment Regulation

7. Regulation 6 of the Social Security (Habitual Residence) Amendment Regulations (Northern Ireland) 2004⁽⁵⁾ (transitional arrangements and savings) is to be read as if—

(a) in paragraph (1)—

(i) sub-paragraphs (a), (b) and (d) were omitted; and

(ii) for sub-paragraph (c) there were substituted—

“(c) is entitled to an employment and support allowance by virtue of—

(i) the Existing Awards Regulations, or

(ii) regulation 30 of the Employment and Support Allowance Regulations (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made) in the circumstances where the person has made and is pursuing an appeal against a conversion decision made under the Existing Awards Regulations which embodies a determination that the person does not have limited capability for work,

and immediately before the effective date of the conversion decision made in respect of that person, was entitled to a specified benefit in respect of a period which was continuous with a period of entitlement to the same or another specified benefit which included 30th April 2004;” and

(b) in paragraph (4), before sub-paragraph (a) there were inserted—

“(za) “conversion decision” and “effective date” have the same meanings as in regulation 2(1) of the Employment and Support Allowance (Transitional Provisions, and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010⁽⁶⁾;”.”

(5) In Schedule 3 (regulations that apply after the conversion phase) after “The Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003” insert—

“The Social Security (Habitual Residence) Amendment Regulations (Northern Ireland) 2004”.

⁽⁵⁾ S.R. 2004 No. 197, these Regulations were revoked by regulation 8(1)(d) (but transitional arrangements and savings in regulation 6 continue in operation by virtue of regulation 8(2)(b) of S.R. 2006 No. 178

⁽⁶⁾ S.R. 2010 No. 312

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2011, Section 25. (See end of Document for details)

.....

Commencement Information

II Reg. 25 in operation at 31.10.2011, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 2011, Section 25.