
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 176

The Employment and Support Allowance (Amendment of Linking Rules) Regulations (Northern Ireland) 2016

Amendment of the Employment and Support Allowance Regulations

4.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 2(1) (interpretation) omit the definition of “work or training beneficiary”.

(3) In regulation 5(2)⁽²⁾ (the assessment phase – previous claimants)—

- (a) in sub-paragraph (a)(i) omit “or (2)”;
- (b) omit sub-paragraph (b)⁽³⁾; and
- (c) in sub-paragraphs (c)(i) and (d)(i)⁽⁴⁾ omit “or (2)”.

(4) In regulation 7(1A)⁽⁵⁾ (circumstances where the condition that the assessment phase has ended before entitlement to the support component or the work-related activity component arises does not apply) omit “or (2)”.

(5) In regulation 145 (linking rules) omit paragraphs (2) to (5).

(6) Omit regulations—

- (a) 148⁽⁶⁾ (work or training beneficiaries);
- (b) 149⁽⁷⁾ (linking rules – limited capability for work); and
- (c) 150⁽⁸⁾ (linking rules – limited capability for work-related activity).

(7) After paragraph 1(3) of Schedule 6⁽⁹⁾ (housing costs) insert—

“(3A) For the purposes of this Schedule a claimant is a “work or training beneficiary” on any day in a linking term where the claimant—

- (a) had limited capability for work—
 - (i) for more than 13 weeks in the most recent past period of limited capability for work, or
 - (ii) for 13 weeks or less in the most recent past period of limited capability for work where the claimant became entitled to an award of an employment

(1) [S.R. 2008 No. 280](#); relevant amending Regulations are [S.R. 2008 No. 478](#), [S.R. 2010 Nos. 200 and 347](#), [S.R. 2011 Nos. 135 and 357](#), [S.R. 2012 No. 160](#) and [S.R. 2016 No. XXX](#).

(2) Regulation 5(2) was amended by regulation 9(4) of [S.R. 2010 No. 200](#) and regulation 2(2) of [S.R. 2012 No. 160](#).

(3) Sub-paragraph (b) was amended by regulation 9(4)(b)(iv) and (v) of [S.R. 2010 No. 200](#).

(4) Sub-paragraphs (c) and (d) were inserted by regulation 2(2) of [S.R. 2012 No. 160](#).

(5) Regulation 7(1A) was inserted by regulation 2(3)(b) of [S.R. 2012 No. 160](#).

(6) Regulation 148 was substituted in relation to certain cases by regulation 6(2) of [S.R. 2010 No. 347](#) and amended by regulation 21(12) [S.R. 2011 No. 357](#).

(7) Regulation 149 was substituted in relation to certain cases by regulation 6(3) of [S.R. 2010 No. 347](#) and amended by regulation 14(8) of [S.R. 2011 No. 135](#).

(8) Regulation 150 was substituted in relation to certain cases by regulation 6(5) of [S.R. 2010 No. 347](#) and amended by regulation 14(9) of [S.R. 2011 No. 135](#).

(9) Paragraph 1(3)(a) was substituted by regulation 8(4) of [S.R. 2016 No. XXX](#).

and support allowance by virtue of a conversion decision which took effect from the commencement of the most recent past period of limited capability for work;

- (b) ceased to be entitled to an allowance or advantage at the end of that most recent past period of limited capability for work; and
 - (c) became engaged in work or training within one month of so ceasing to be entitled.
- (3B) A claimant is not a work or training beneficiary if—
- (a) the most recent past period of limited capability for work was ended by a determination that the claimant did not have limited capability for work; and
 - (b) that determination was on the basis of a limited capability for work assessment.
- (3C) In sub-paragraphs (3A) and (3B)—

“allowance or advantage” means any allowance or advantage under the Act or the Contributions and Benefits Act for which entitlement is dependent on limited capability for work;

“conversion decision” has the meaning given in regulation 5(2)(a) of the Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010⁽¹⁰⁾;

“linking term” means a period of 104 weeks from the first day immediately following the last day in a period of limited capability for work;

“most recent past period of limited capability for work” means the period of limited capability for work which most recently precedes the period in respect of which the current claim is made, including any period of which that previous period is treated as a continuation by virtue of regulation 145(1) (linking rules); and

“work” means work other than work under regulation 45 (exempt work), for which payment is made or which is done in expectation of payment.”.