
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 221

The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016

PART 5

Suspension

Provision of information or evidence

44.—(1) This regulation applies where the Department requires information or evidence from a person mentioned in paragraph (2) (“P”) in order to determine whether a decision awarding a benefit should be revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order.

(2) The persons are—

- (a) a person in respect of whom payment of any benefit has been suspended in the circumstances set out in regulation 43(2)(a) (suspension in prescribed cases);
- (b) a person who has made an application for a decision of the Department to be revised or superseded;
- (c) a person from whom the Department requires information or evidence under regulation 37(2) of the Claims and Payments Regulations (evidence and information in connection with an award);
- (d) a person from whom the Department requires documents, certificates or other evidence under regulation 31(3) of the Jobseeker's Allowance Regulations (provision of information and evidence);
- (e) a person whose entitlement to an employment and support allowance or universal credit is conditional on that person having, or being treated as having, limited capability for work.

(3) The Department must notify P of the requirements of this regulation.

(4) P must either—

- (a) supply the information or evidence within—
 - (i) a period of 14 days beginning with the date on which the notification under paragraph (3) was given or sent to P or such longer period as the Department allows in that notification, or
 - (ii) such longer period as P satisfies the Department is necessary in order to comply with the requirements; or
- (b) satisfy the Department within the period applicable under sub-paragraph (a)(i) that either—
 - (i) the information or evidence does not exist, or

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(ii) it is not possible for P to obtain it.

(5) In relation to a person to whom paragraph (2)(d) refers, paragraph (4)(a)(i) has effect as if for “14 days” there were substituted “7 days”.

(6) The Department may suspend the payment of a benefit, in whole or in part, to any person to whom paragraph (2)(b), (c), (d) or (e) applies who fails to satisfy the requirements of paragraph (4).

(7) In this regulation “evidence” includes evidence which a person is required to provide in accordance with regulation 2 of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976⁽¹⁾ (evidence of incapacity for work, limited capability for work and confinement).

⁽¹⁾ S.R. 1976 No. 175; regulation 2 was amended by regulation 2(3) of S.R. 1987 No. 117, regulation 2(3) of S.R. 1994 No. 468, regulation 3(3) of S.R. 2000 No. 4, regulation 2(2) of S.R. 2001 No. 308, regulation 8(3) of S.R. 2008 No. 286 and regulation 2(2) of S.R. 2010 No. 55.