
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 190

**The Welfare Reform (Northern Ireland) Order
2015 (Commencement No. 8 and Transitional
and Transitory Provisions) Order 2017**

Sanctions: transition from old style ESA in case of a continuing award

16.—(1) This Article applies where—

- (a) the amending provisions have come into force under Article 6(1) in relation to the case of a claim for universal credit referred to in Article 6(2) (and any award that is made in respect of the claim);
- (b) the person in question had an old style ESA award immediately before the appointed day which consisted of or included a contributory allowance (which allowance therefore continues as a new style ESA award); and
- (c) immediately before the appointed day, payments under that award were reduced in accordance with regulation 63 of the ESA Regulations 2008 (reduction of employment and support allowance).

(2) Where this Article applies—

- (a) the failure which led to reduction of the old style ESA award (“the relevant failure”) is to be treated for the purposes of Part 8 of the ESA Regulations 2016, as a failure which is sanctionable under section 11J of the 2007 Act (sanctions);
- (b) on and after the appointed day, the award (in its continuation as a new style ESA award) is to be reduced in relation to the relevant failure, in accordance with the provisions of this article and Part 8 of the ESA Regulations 2016 as modified by this article; and
- (c) the reduction referred to in sub-paragraph (b) is to be treated, for the purposes of the ESA Regulations 2016, as a reduction under section 11J of the 2007 Act.

(3) The reduction period for the purposes of the ESA Regulations 2016 is to be the number of days which is equivalent to the length of the fixed period applicable to the person under regulation 63 of the ESA Regulations 2008 in relation to the relevant failure, minus the number of days (if any) in the period in respect of which the amount of the old style ESA award was reduced.

(4) Accordingly, regulation 51 of the ESA Regulations 2016 (general principles for calculating reduction periods) applies in relation to the relevant failure as if—

- (a) in paragraph (1), for the words “in accordance with regulations 52 and 53” there were substituted the words “in accordance with Article 16 of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017”; and
- (b) in paragraph (3), for the words “in accordance with regulation 52 or 53” there were substituted the words “in accordance with Article 16 of the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017”.