
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**

Appeals relating to old style ESA and old style JSA

25.—(1) This article applies where, after an award of universal credit has been made to a claimant (where that award is made by virtue of the coming into force of the provisions of the 2015 Order referred to in Schedule 1, under any secondary legislation)—

- (a) an appeal against a decision relating to the entitlement of the claimant to an old style ESA award or an old style JSA award is finally determined; or
- (b) a decision relating to the claimant's entitlement to such an award is revised under Article 10 of the 1998 Order or superseded under Article 11 of that Order.

(2) Where this article applies, the Department is to consider whether it is appropriate to revise under Article 10 of the 1998 Order the decision in relation to entitlement to universal credit or, if that decision has been superseded under Article 11 of that Order, the decision as so superseded (in either case, “the UC decision”).

(3) Where it appears to the Department to be appropriate to revise the UC decision, it is to be revised in such manner as appears to the Department to be necessary to take account of—

- (a) the decision of the Appeal Tribunal, Commissioner or court, or, as the case may be, the decision relating to entitlement to an old style ESA award or an old style JSA award, as revised or superseded; and
- (b) any finding of fact by the Appeal Tribunal, Commissioner or court.

(4) For the purposes of this Article, “secondary legislation” means an instrument made under an Act or Order in Council.