
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**

Incorrect information regarding residence in the No. 1 relevant districts

5.—(1) This Article applies where a claim for universal credit is made and it is subsequently discovered that the single claimant or either or both of two joint claimants gave incorrect information regarding his or her (or their) residing in the No. 1 relevant districts and the condition referred to in paragraph (2) is met.

(2) The condition referred to is that, on the date on which the claim was made, the claimant did not reside in the No. 1 relevant districts (unless paragraph (3) applies);

(3) This paragraph applies where the claimant resided in an area apart from the No. 1 relevant districts with respect to which the provisions of the 2015 Order referred to in Schedule 1 were in force in relation to a claim for universal credit (and a determination had not been made under regulation 2A of the 2016 Transitional Regulations⁽¹⁾, preventing a claim for universal credit being made with respect to the area or category of case in question).

(4) Where the discovery is made before the claim for universal credit has been decided—

- (a) the claimant is to be informed that the claimant is not entitled to claim universal credit;
- (b) if the claimant (or, in the case of joint claimants, either of them) makes a claim for old style ESA, old style JSA or income support (“the specified benefit”) and the date on which that claim is made (as determined in accordance with the Claims and Payments Regulations 1987) is after the date on which the claim for universal credit was made, but no later than one month after the date on which the information required by sub-paragraph (a) was given—
 - (i) the claim for the specified benefit is to be treated as made on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to the specified benefit if a claim had been made for it on that date, if later; and
 - (ii) any provision of the Claims and Payments Regulations 1987 under which the claim for the specified benefit is treated as made on a later date does not apply;
- (c) if the claimant (or, in the case of joint claimants, either of them) makes a claim for housing benefit and the date of that claim (as determined in accordance with the Housing Benefit Regulations (Northern Ireland) 2006⁽²⁾ or, as the case may be, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006⁽³⁾) (together referred to as “the Housing Benefit Regulations”) is after the date on which the claim for universal credit was made, but no later than one month after the date on which the information required by sub-paragraph (a) was given—

⁽¹⁾ Regulation 2A was inserted by regulation 12(2) of [S.R. 2017 No. 116](#).

⁽²⁾ [S.R. 2006 No. 405](#).

⁽³⁾ [S.R. 2006 No. 406](#).

- (i) the claim for housing benefit is to be treated as made on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to housing benefit if a claim been made for it on that date, if later; and
- (ii) any provision of the Housing Benefit Regulations under which the claim for housing benefit is treated as made on a later date does not apply;
- (d) if the claimant (or, in the case of joint claimants, either of them) makes a claim for a tax credit and that claim is received by a relevant authority at an appropriate office (within the meaning of the Tax Credits (Claims and Notifications) Regulations 2002 (“the 2002 Regulations”))(4)) during the period of one month beginning with the date on which the information required by sub-paragraph (a) was given—
 - (i) the claim for a tax credit is to be treated as having been received by a relevant authority at an appropriate office on the date on which the claim for universal credit was made or the first date on which the claimant would have been entitled to a tax credit if a claim had been so received on that date, if later; and
 - (ii) any provision of the 2002 Regulations under which the claim is treated as having been made on a later date does not apply.
- (5) Where the discovery is made after a decision has been made that the claimant is entitled to universal credit, but before any payment has been made—
 - (a) that decision is to cease to have effect immediately, by virtue of this Article;
 - (b) the claimant is to be informed that they are not entitled to claim universal credit; and
 - (c) sub-paragraphs (b) to (d) of paragraph (4) apply.
- (6) Where the discovery is made after a decision has been made that the claimant is entitled to universal credit and one or more payments have been made in respect of the claimant, the decision is to be treated as a decision under Article 9 of the 1998 Order.
- (7) For the purposes of paragraph (4), a person makes a claim for old style ESA or old style JSA where he or she makes a claim for an employment and support allowance or a jobseeker’s allowance and the claim is subject to Part 1 of the 2007 Act or the 1995 Order respectively as those provisions have effect apart from the amendments made by the amending provisions.

Modifications etc. (not altering text)

- C1** Art. 5 applied (13.11.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 9 and Transitional and Transitory Provisions\) Order 2017 \(S.R. 2017/216\)](#), **art. 3(5)**
- C2** Art. 5 applied (15.1.2018) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 10 and Transitional and Transitory Provisions and Commencement No. 9 and Transitional and Transitory Provisions \(Amendment\)\) Order 2018 \(S.R. 2018/1\)](#), **art. 3(5)**
- C3** Art. 5 applied (9.5.2018) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 11 and Transitional and Transitory Provisions\) Order 2018 \(S.R. 2018/97\)](#), **art. 3(5)**
- C4** Art. 5 applied (19.7.2018) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(Commencement No. 12 and Transitional and Transitory Provisions and Commencement No. 9, 10 and 11 and Transitional and Transitory Provisions \(Amendment\)\) Order 2018 \(S.R. 2018/138\)](#), **art. 3(5)**

Commencement Information

- II** Art. 5 in operation at made date

Changes to legislation: *There are currently no known outstanding effects for the The Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 8 and Transitional and Transitory Provisions) Order 2017, Section 5. (See end of Document for details)*

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